THE WORLD OF TACITUS' *DIALOGUS DE ORATORIBUS*

Aesthetics and Empire in Ancient Rome

CHRISTOPHER S. VAN DEN BERG

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THE WORLD OF TACITUS' *DIALOGUS DE ORATORIBUS*

Coming to terms with the rhetorical arts of antiquity necessarily illuminates our own sense of public discourse and the habits of speech to which it has led. Tacitus wrote the *Dialogus* at a time (*c.* 100 CE) when intense scrutiny of the history, the definitions, and the immediate relevance of public speech were all being challenged and refashioned by a host of vibrant intellects and ambitious practitioners. This book challenges the notion that Tacitus sought to explain the decline of oratory under the principate. Rather, from examination of the dynamics of argument in the dialogue and the underlying literary traditions there emerges a sophisticated consideration of *eloquentia* in the Roman empire. Tacitus emulates Cicero's legacy and challenges his position at the top of Rome's oratorical canon. He further shows that *eloquentia* is a means by which to compete with the power of the principate.

CHRISTOPHER S. VAN DEN BERG is Assistant Professor of Classics at Amherst College, Massachusetts.

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Contents

Preface and acknowledgments *page* ix
Abbreviations, texts, and translations xii

Introduction: Rhetorical beginnings and rhetorical ends 1

1 The *Dialogus* and its contexts 17

2 Interpretations 52

3 Interstitial strategies and reading around the speeches 98

4 A world of *eloquentia* 124

5 An aetiology of contemporary *eloquentia* 165

6 From *de Oratore* to *de Oratoribus* 208

7 Literary criticism and history: Cicero, Horace, and Quintilian in the *Dialogus* 241

Conclusion 294

Appendix: Detailed outline of Tacitus' Dialogus de Oratoribus 304
Bibliography 314
General index 338
Index locorum 342

Preface and acknowledgments

This book is about *eloquentia* ("skilled speech") in the world of imperial Rome's educated class. Tacitus wrote the *Dialogus* at a time (*c.* 100 CE) when intense scrutiny of the history, the definitions, and the immediate relevance of public speech were all being challenged and refashioned by a host of vibrant intellects and ambitious practitioners. Although empires and disciplines have waxed and waned, the interest in rhetoric has never abated. For this reason, coming to terms with the rhetorical arts of antiquity necessarily illuminates our own sense of public discourse and the habits of speech to which they have led. This book is written about a dialogue – to my mind (and bias) probably the great single dialogue of Roman antiquity. True enough, appeals to value have fallen out of fashion, yet my claim is meant to encourage rather than antagonize other-minded readers, whom I hope to shuttle over to the same viewpoint in the pages that follow. Like the present study, the *Dialogus* is also about the (still unfinished) project of understanding how speech shapes our views of the world and so gives us a place within it. That project necessarily begins by grappling with at least some of the texts of the Greco-Roman rhetorical tradition, and it is my hope that the reader has already lavished attention on Tacitus' *Dialogus* before turning to the pages that follow.

To be a professional scholar is to assume the inclination to write. The trappings of publication remain, after all, our primary avenue not only to cultural capital (to use the argot), but also, through the institutional employment that publishing brings, to actual capital. Yet it is easy to forget that observers and critics ultimately honor their texts. However ardent the hope or desire that recognition will accrue to a piece of scholarship, in some measure that expectation obscures as much as it drives the curious impulses to disclose the worlds of a text, object, place, or culture. Still, great works cannot stand without admiring critics. Whether the *Dialogus* merits the significance asserted here will of course fall to others to decide.

An author can only be assured of his or her motives. Mine arose upon reading Tacitus' *Dialogus* and finding there sophisticated musings on the literary and cultural dynamics that allowed *eloquentia* to change and flourish in the Roman Empire. Yet the complexity and the programmatic, even optimistic, dimensions, which I thought so apparent at a first reading, had rarely claimed the attention of others. Scholars today are ever eager to debunk received wisdom, but the now unfashionable tale of the decline of literature and culture in the Roman Empire is still clinging to life, at least in the case of Roman rhetoric. Perhaps our habits have outlived our understandings.

The (very) humble origins of this book were a response to my confusion over what the *Dialogus* really could mean, in a confused midterm paper for Susanna Braund's Survey of Latin Literature at Yale University. It was eventually midwifed into a dissertation prospectus, at Susanna's prompting and with the advice of David Quint. Chris Kraus became a third reader for the dissertation, and I could not have asked for a more generous and, when necessary, exacting trio of advisors. What remains of the dissertation are some key arguments in Chapters 3, 4, and 5. These have been thoroughly rewritten, and most of the book is new. A version of part of Chapter 2, van den Berg (2014), appeared in *Classical Quarterly* and is presented here with the journal's permission in slightly revised form.

A number of people assisted the project at different stages. My hope is that they will recognize the ways in which the book has been immeasurably improved by that critical generosity. Sander Goldberg has been a steady supporter and critic throughout the years; he is most often the reader I have had in mind when weighing the imperatives of saying something well and saying something useful. Elaine Fantham read the earliest material and rightly saw where the project would need to go. Two readers for Cambridge University Press – I imagine they're listed in these acknowledgments – made astute and fair observations that allowed an inchoate manuscript to become a book. Early on Antonia Syson made excellent suggestions; at a late stage, Marilyn Skinner and Chris Whitton read through the whole manuscript with keen eyes and experience.

A debt is likewise owed to those who have improved individual chapters or sections as well. Parts of Chapter 6 were presented at the University of Caen in 2007, and Benjamin Goldlust was especially helpful for discussing the French scholarship on Roman dialogue. Parts of Chapter 2 were presented to the participants at MACTE in spring 2011. An audience at UCLA generously endured a far too inchoate version of Chapter 7, and I can only hope that this last installment is some recompense for the first. Parts of

the Introduction got a hearing from audiences at the Five College Faculty Seminar in Classics and the New England Ancient Historians' Colloquium; they were also improved by the tenacious gaze of Rick Griffiths and Luca Grillo. It is, of course, a pleasure to have colleagues who take time from their obligations to offer assistance. Becky Sinos' love of Platonic dialogue has come in handy on more than one occasion. My research interns at Amherst College kept me on my toes through a number of semesters (in order): Alex Butensky, Kevin Wu, Sarah Ashman, and Sophie Padelford. Jessica McCutcheon showed me the dependence of a lengthy argument on a single missing word, and Curtis Dozier was especially helpful with all things Quintilian. Tom Keeline kindly discussed material on declamation and education. Steve Johnstone and Adam Geary kept me intellectually (and "literally") nourished at a time when jejune circumstance contributed little to the writing of a book. Colleagues at the Thesaurus Linguae Latinae in Munich helped resolve questions about technical vocabulary, and it was as a postdoctoral fellow in the former workplace of Alfred Gudeman, the American expat and devotee of the *Dialogus*, that I first came to appreciate how much a project on literary rhetoric had to lean on patient philology. Jill Harries and Serena Connolly lent their expertise for a number of details of legal procedure; their corrections are a reminder of the great peril that exists for the scholar of rhetoric who holds law and judicial procedure at arm's length. Discussion with Bruce Frier also made me revisit clothing and cramped spaces in the *Dialogus*. Pramit Chaudhuri read chapters very early on, and discussion with him about our (and others') books has been stimulating at every turn. Conversations with Yelena Baraz, Tony Corbeill, Kirk Freudenburg, Roy Gibson, Christopher Krebs, David Levene, Ayelet Haimson-Lushkov, John Oksanish, Irene Peirano, Andrew Riggsby, and Teresa Shawcross have provided great stimulation for thinking creatively and critically about rhetorical prose and Roman dialogue as literary genres. It is to Katie Edwards that I owe the greatest debt, as well as the promise of no swift repayment: *à toi le monde*. Rhetoric, for all its invention and innovation, derives from a tradition of inherited arguments and hackneyed claims, and at this late stage we can only say what our predecessors already have. It's fitting therefore to note that I would happily repay the generous assistance of others with almost anything, except with the responsibility for any lingering errors.

Abbreviations, texts, and translations

Except where indicated, the Latin text of Tacitus' *Dialogus* follows Roland Mayer's Cambridge "Green and Yellow" commentary, on the assumption that readers of this book who know Latin may also be reading along with Mayer's helpful edition. In this book, however, all foreign languages are translated, and translations are mine unless otherwise indicated. Exceptions to universal translation arise in the instances in which close paraphrasing in English immediately surrounds the citation in Latin, rendering a translation otiose, if not obtrusive.

Journal titles are abbreviated in the Bibliography according to the conventions of *L'Année philologique*. The abbreviations for Greek and Latin works are from P. G. W. Glare (ed.), *Oxford Latin Dictionary* (Oxford, 1996), when available, and otherwise from S. Hornblower, A. Spawforth, and E. Eidinow (eds.), *The Oxford Classical Dictionary*, 4th edition (Oxford, 2012). Other abbreviations are listed below.

BNP	*Brill's New Pauly*. 22 vols. (1996–2011)
CIL	*Corpus inscriptionum Latinarum* (Berlin, 1863–)
HWRh	G. Ueding, et al. (eds.), *Historisches Wörterbuch der Rhetorik*. 11 vols. (Tübingen, 1992–2014)
LPW	A. D. Leeman, H. Pinkster, J. Wisse, et al. (eds.), *M. Tullius Cicero: De oratore libri III*, 5 vols. (Heidelberg, 1981–2008)
LTVR	E. M. Steinby (ed.), *Lexicon Topographicum Urbis Romae*, 6 vols. (Oxford, 1993–2000)
OGIS	W. Dittenberger (ed.), *Orientis Graecae inscriptiones selectae* (Leipzig, 1903–5)
OLD	P. G. W. Glare (ed.), *Oxford Latin Dictionary* (Oxford, 1996)
ORF	H. Malcovati (ed.), *Oratorum Romanorum fragmenta liberae rei publicae*, 4th edition, 2 vols. (Turin, 1976–9)
PIR^{1}	*Prosopographia Imperii Romani Saec. I. II. III*. 3 vols. (Berlin, 1897–8)

PIR^2	*Prosopographia Imperii Romani Saec. I. II. III.* 8 vols. (Berlin, 1933–)
ROL	*Remains of Old Latin. Volume I: Ennius and Caecilius.* (Cambridge, Mass., 1935)
TLL	*Thesaurus Linguae Latinae* (Munich, 1900–).[1]

[1] Citations of the *TLL* include the notation [author, year] to indicate the lemma's author and the publication date of the fascicle in which the lemma appears.

Introduction
Rhetorical beginnings and rhetorical ends

> Nam si ad utilitatem vitae omnia consilia factaque nostra derigenda sunt, quid est tutius quam eam exercere artem qua semper armatus praesidium amicis, opem alienis, salutem periclitantibus, invidis vero et inimicis metum et terrorem ultro feras, ipse securus et velut quadam perpetua potentia ac potestate munitus?
>
> Now, if all our deliberations and deeds should be directed at utility for life, what is more safe than practicing that art, continually armed with which, you may provide aid to associates, resources to others, and safety to those on trial, and you may actively strike fear and dread into your rivals and enemies of your own accord, yourself secure and protected by a kind of enduring force and power?
>
> *Dialogus de Oratoribus* 5.5 (Marcus Aper speaks)

By beginning his first speech with an appeal to utility (*utilitas*), Marcus Aper might seem to be making a false start. This is the opening gambit in what will become a spirited defense of oratory, the first speech of the work and the first half of a debate over what form of public speech best suits a member of Rome's elite, oratory or poetry. And yet grander considerations find no place here, at least, if utility does in fact govern *all* counsel and action (*omnia consilia factaque*). Understandably, this opening has occasioned considerable, often vehement, criticism on the part of his modern detractors, as has the subsequent listing of notoriety, pecuniary rewards, and the trappings of office, which only seem to fill out the venal and instrumentalist shape critics have made him wear. Here is no moralist but a utilitarian who evinces ethical shortcomings at the outset. Suspicion may then fall on his rhetorical sensibilities as well, since Aper cannot even cover naked pragmatism in appealing garb, such as everlasting fame or the

Readers wishing to revisit the main positions of the *Dialogus* are advised to consult Chapter 1's overview and the Appendix's section-by-section account before reading this Introduction, which plunges *in medias res*. Readers seeking summaries of this book's chapters can find them at the end of this Introduction.

nobler pursuit of literature, the celebrated lines of argument which the poet, Curiatius Maternus, will don in response.[1]

There are, however, some details of language that make the statement more nuanced – and Aper's attitude less trenchant – than would at first appear to be the case; in pursuing them a far different picture will begin to emerge. More immediately, Tacitus has given us a conditional clause (*si* . . .). Aper may merely entertain but not necessarily accept the premise, making this less his unshaken worldview than a recognition of how anyone might meet the demands of the world. Moral stalwarts can still refuse Aper this concession, if the clause entails a euphemistic assertion, as in the exclamation "if there's any justice in the world, he'll get what's coming to him!" In this case we still believe in the existence of at least *some* justice, and will probably continue to do so even if comeuppance doesn't find its way to the scoundrel we're talking about. The hyperbole serves to condemn another's character or actions, not to make an ontological assertion about justice. This perspective would provide further grounds to criticize Aper's attitude: it is unthinking presumption rather than considered reluctance. Ultimately, when read at the surface level of the language, the construction admits of various interpretations. Aper may well deserve his detractors' scorn, or hesitation may partly exculpate him. In the face of rival interpretations a critic who sided with either, or even withheld judgment entirely, could hardly be faulted.

Rather than come down on one side or the other, I want to highlight how the opposition that results from agreeing or disagreeing with Aper's statement already makes the methodological assumption that dialogues are designed mainly to persuade an audience. However natural it may seem to respond this way to the speeches of the *Dialogus* – am I convinced by this speaker or by another? – the presupposition excludes and obscures other crucial elements which are also in play here: the tradition of deliberative rhetoric, the implicit citation of predecessors, possible (if not yet realized) connections with other sections of the *Dialogus*, or with the Roman world beyond the immediate fictional setting – the capacious "we" behind the possessive in *omnia consilia factaque nostra*. The consequences, in addition to limiting our understanding of the text, also make clear what is at stake

[1] Champion (1994) outlines the Roman context of many of Aper's values, with a discussion of his detractors in the scholarship; cf. Goldberg (1999). Mayer (2001) 101 and *passim* suggests shortcomings in his arguments; cf. Strunk (2010) 251: "by assigning everything to *utilitas* . . . he leaves any sense of duty to the state overshadowed by self-interest." The following emphasizes the extent to which Tacitus has Aper draw on the deliberative tradition, which is expounded more fully in van den Berg (2012).

in our hermeneutic choices for the *Dialogus* and for the genre of dialogue at large.

These problems of method can be better illuminated by shifting attention briefly to a similar rhetorical scenario, but in a different genre, epic poetry, to which most of us, initially at least, bring vastly different interpretive assumptions and strategies. The text is Vergil's *Aeneid*, the scenario Aeneas' underworld encounter with Dido. This short foray into another work can help us by way of analogy not only to arbitrate between different responses to the *Dialogus*, but also to consider how preconceptions about a text's workings, about its ability to create and to communicate meaning, produce and constrain what we think it has to say. Now, the parallels in this extended analogy between the *Aeneid* and the *Dialogus*, apart from a formal coincidence (*si*-clauses), will isolate how complex issues may lurk under seemingly artless language and how such statements cannot be fully grasped by examining the immediate statement alone. As we might expect, the concerns and themes of the *Aeneid* differ in the main from those of the *Dialogus*, but their shared rhetorical and literary devices can be fruitfully explored along similar lines, ultimately demonstrating that to make the sincerity or the persuasiveness of a speaker's rhetoric the main basis of one's response is to miss out on the sheer complexity of a text.

When Vergil sends Aeneas into the underworld in Book 6 of the *Aeneid*, the hero encounters the shade of the Carthaginian queen Dido. In one of Latin literature's most memorable deaths, Dido had killed herself after Aeneas abandoned her to follow his destiny (choosing *Roma* over *Amor*). Aeneas addresses her in a famous and ultimately vain attempt to excuse his actions:

> infelix Dido, verus mihi nuntius ergo
> venerat exstinctam ferroque extrema secutam?
> funeris heu tibi causa fui? per sidera iuro,
> per superos et si qua fides tellure sub ima est,
> invitus, regina, tuo de litore cessi.

> Unfortunate Dido, so, true report had reached me, saying that you died and pursued the direst ends by the sword? Was I, alas, the cause of your ruin? I swear by the stars, the gods above, and, if there is any faith beneath the depths of the earth, unwillingly queen, did I leave your shores. (*Aen.* 6.456–60)

The impassioned exclamation undoubtedly reflects heartfelt sentiment (spoken "with tender affection," *dulci . . . amore*, 6.455), but the poet has put his hero into a situation in which sincerity is hardly the only relevant

issue. A major theme in the amorous encounter of the two leaders is *fides* ("loyalty," "good faith"), whose dissolution Vergil vividly dramatizes in Aeneas' abrupt departure at the behest of the gods and Dido's demise by her own hand at the climax of Book 4. Vergil himself withholds judgment on Aeneas' conduct (which partly explains why debate over the issue haunts its readership). But the poet has left clues as to the poetic and thematic consequences of Aeneas' innocently earnest statement in Book 6.

Death for Dido was not merely a result of desperation but also a return to *fides*; the voice of her murdered husband Sychaeus had compelled her to choose this fate (4.457–61). Before the arrival of the Trojan exiles, Dido assumed that fidelity would prevent her marrying again, as she confesses to her sister Anna at the beginning of Book 4. The language of Dido's wish to remain faithful foreshadows Aeneas' later oath in the underworld; she would rather be swallowed up by the deep earth than violate her vows: *mihi . . . tellus optem prius ima dehiscat . . . | . . . ante, pudor, quam te violo aut tua iura resolvo* ("I'd rather the deepest earth gape open for me . . . than outrage you, chastity, or undo your oaths," 4.24 and 27). When their paths cross in the underworld she has regained her original husband (*coniunx . . . pristinus*, 6.473). Dido does not respond to Aeneas during the encounter and offers no reason to think that her former judgment has since changed: he is faithless (*perfidus*), the adjective she leveled at the fleeing hero three times while still alive (4.305, 4.366, 4.421). Readers may also recall that the last person in the epic to seek trust and indulgence with the formulation *si qua fides* was the treacherous Sinon begging the Trojans to take pity on his misfortunes (2.141–4) – words of course that we heard as Aeneas recounted them to Dido during his narration of the sack of Troy. Aeneas' presence in the land of the shades and his misplaced appeal to *fides* are ironically unsettling and, quite understandably, Dido tenders no response. The conflict between her former state of matrimony, now restored, and her second ill-defined marriage undermines the very virtue to which Aeneas so piously appeals.[2]

These are not the only possibilities, as one political connotation of *fides* made it a defining term in Rome's vexed relationship with its Carthaginian neighbor: *fides Punica* ("Punic [Carthaginian] faith") was just another

[2] Cf. Ahl (1989) 22–30 on *fides* and Aeneas' self-portrayal as a trustworthy hero during his narrative in Books 2 and 3; Feeney (1983) on the marriage (with bibliography) and the significance of (failed) speech in the epic. We, along with Aeneas, are reminded of the potential threat to Dido's post-mortem bond only moments earlier, when Charon mentions how Theseus and Pirithous once attempted to seize Proserpina, Pluto's queen, in the underworld (6.392–7).

Latin expression for "faithlessness."[3] The re-encounter in the underworld continues the analogy of the lovers' falling-out with the historical dispute between the Mediterranean rivals. We could also read the passage more universally, as a commentary on the implicit and constant danger to Rome's enemies and allies or to the limits of trust in the human community. What good is fidelity, especially fidelity in the realities of the world above, when subject to the contrary designs of the gods and fate? Aeneas' persistence in this emotional scenario also suggests that even the most well-intentioned leaders cannot fully comprehend the consequences of their actions and intentions.

The physical setting lends irony to the mention of *fides*. Aeneas had just crossed the river Styx moments before and had inquired about the gathered shades awaiting the ferryman, Charon, who would transport some but not others across. Aeneas' guide, the Cumaean Sibyl, begins her explanation with an (unsolicited) detail about the waters of the underworld:

> Anchisa generate, deum certissima proles,
> Cocyti stagna alta vides Stygiamque paludem,
> di cuius iurare timent et fallere numen.
>
> Offspring of Anchises, most assured descendant of the gods, you see the deep marshes of Cocytus and the Stygian swamp, on whose divine power the gods are afraid to swear falsely. (6.322–4)

The Sybil's answer further complicates Aeneas' later query into the presence of *fides* in the underworld. The compelling force – we and Aeneas were just told – that guarantees even the oaths of the gods is located down here, *tellure sub ima*.[4]

Further attention is drawn to the geography of the underworld by the descending list of binding powers in Aeneas' oath (6.458–60) – first the stars, then the gods above, and lastly whatever *fides* exists beneath the depths of the earth. The significance of the details, and their relevance to Vergil's poetic project, become apparent when considering the final line of Aeneas' plea, which reworks a line of Catullus: *invita, o regina, tuo de vertice cessi* ("Unwillingly, queen, did I leave your head," 66.39). The playful poem

[3] Already Sal. *Jug.* 108.3 virtually handles it as a proverb; cf. Liv. 30.30.27; Starks (1999); Isaac (2006) 328–30 contrasts the scarcity of the phrase with its prominence in the Roman imaginary.

[4] In addition the Sibyl reminds Aeneas of his own divine lineage in the course of her explanation, thus suggesting that it may have some direct relevance to Aeneas himself. Jupiter swears on the Styx when he decrees that fate rather than partisan intervention by the gods should determine the fortunes of the Rutulians and Trojans (*Aen.* 10.113–115).

detailed the catasterism of a lock of queen Berenike's hair (*coma Berenikes*).[5] Aeneas' initial oath by the stars (*per sidera iuro . . .*) retraces in the opposite direction the path that Catullus' *coma* had taken from the head of a queen on the African shore to the stars on high, a possibility the poet had prepared us for by having Dido devote a lock of hair to the underworld, where it was taken by the goddess Iris (4.700–5).[6] The downward trajectory depicted in the lines preceding Aeneas' unknowing citation effects in physical terms Vergil's appropriation and inversion of Catullus.

As we witness the encounter in the underworld, Aeneas' sincerity and his characteristic dutifulness towards the gods (*pietas*) do not prevent us from questioning his understanding of *fides*. This is classic dramatic irony, in which the larger ramifications escape Aeneas but not those of us who witness his lament. Yet the passage discloses two kinds of excess knowledge: while Aeneas is deaf to the broader implications of his remark, the audience learns from it that word had already reached Aeneas of Dido's death. The similarities and differences between our ignorance and Aeneas' only refocus attention on the disparate perspectives of audience and protagonist. Our emotional response to Aeneas at this point is not the same as our understanding of what his poignant appeal means in the context of the poem (and therefore for readers with the luxury to stand back from it). We can acknowledge and even share in his suffering, but we may in the same moment feel compelled to pity the naïve sympathy he heaps on Dido, or even to see his presence as a bumbling yet no less potent threat to her restored fidelity; Aeneas merits sympathy no more than outrage.

Critics have troubled themselves most over the passage when succumbing to the pressure – a pressure orchestrated and manipulated by the poet – to identify with the hero, to experience these lines from the affective standpoint of their utterer. Aeneas' solemnity enhances the dramatic piquancy of the moment, but we can experience its fuller meanings only in light of the central themes of the epic, of other passages that shape interpretation, and of the work's historical and literary past. Taking note of the different elements is no mere academic exercise; it also enriches the emotional and intellectual experience while acknowledging the influence that cultural and historical contexts exert upon readers. It is also worth remembering that

[5] The citation long baffled scholars, who tendered excuses for the poet in the absence of explanations which have emerged from recognition of the capacious and meaningful range of allusion among Vergil and his predecessors. See Johnston (1987) on the Callimachean background and Wills (1998) and Pelliccia (2010–11) for recent bibliography and detailed discussion.

[6] When read alongside Catullus' version, Aeneas' oath includes the details most essential to the ascent/descent of the locks: stars (*sidera*), intervening goddess who bears the lock (*superos*: Venus/Iris), physical location of the lock/queen (*vertice/litore*).

nowhere are we told that we must read Aeneas' statement in light of various textual predecessors, historical references, or repetitions internal to the text. These reflexes have been naturalized in the minds of generations of readers who revel in untangling and appreciating such scenarios in a work as complex as the *Aeneid*.

Yet what about readers of the *Dialogus*, a prose dialogue on the history and state of Roman rhetoric? A no less complex connection of the local utterance to a larger network of meaning underlies Aper's opening assertion in the *Dialogus*. To begin with, mention of *utilitas* immediately designates this speech as belonging to the deliberative genre (*genus deliberativum*), one of the three main categories of speeches in antiquity, alongside forensic (court cases) and epideictic ("display" oratory, such as the praise of panegyric or the criticism of invective). In deliberative a speaker urges his audience to a particular point of view – Aper pleads the merits of oratory – and rightly begins by an appeal to usefulness (*utilitas*). The author of the first-century *Rhetoric to Herennius* made *utilitas* the chief aim of deliberative. He made a further division into *utilitas tuta* ("utility concerned with preservation") and *utilitas honesta* ("utility concerned with honorability"). Aper's question after the *si*-clause, *quid est tutius* ("what is safer/more secure?"), picks up on this first emphasis.[7] When urging a point of view, a speaker would consider how persuasive it is to demonstrate the utility of his proposal. If we take an imaginary proposal, for example, to fortify a city with walls, then the obvious argument would be that such protection is useful in warding off attacks. As definitions of deliberative developed, especially under Cicero's influence, so did the emphasis on honorability (*honestas*) as a counterpoint to utility. Ultimately, the two *fines* ("aims" or "ends") of *utilitas* and *honestas* provided a framework for a speech's construction, and the rhetorically trained audience would readily identify them. Ideally an advisor can make a case for both utility and honorability, and skilled orators ingeniously found ways to emphasize the second aim as well. A resourceful speaker, to continue the fictional example above, might argue that walls demonstrate the magnificence of the city they surround and will therefore contribute to its reputation, that is, to the honor bestowed upon the city.

[7] *Rhet. Her*. 3.2–9. The Greek and Roman sources evince remarkable complexity and disagreement on the *fines* of deliberative oratory. The difficulties are too intricate to expound here. The discussion here draws from van den Berg (2012), which contextualizes Aper's speech in the tradition of Greco-Roman deliberative and provides fuller citation of the primary evidence and bibliography on the *genus deliberativum*. Cf. the articles "honestum," "utile," and "Zweck/Zweckmäßigkeit" in *HWRh*, and Luce (1993b) and Levene (1999) for deliberative in historiography. For the overlap in terminology between *honestas* and *dignitas*, cf. Cic. *Part*. 89 and *de Orat*. 2.333–40.

Depending on the situation, however, these two ends could come into conflict. Marcus Antonius, an interlocutor in Cicero's rhetorical dialogue, *de Oratore* ("On the Orator," *c.* 55 BCE), remarked: *certatur, utrum honestati potius an utilitati consulendum sit* ("There is debate about whether we ought to have greater consideration for honorability or utility," *de Orat.* 2.335). Connossieurs of rhetoric would recognize the deliberative framework of Aper's speech by his citation of *utilitas*, but would also expect some consideration of *honestas* or, at least, an attempt to explain why other values trump it; and Tacitus has Aper meet these expectations. A common stand-in for *honestas* was *dignitas* ("dignity," "esteem").[8] The connections, offices, and renown that Aper cites throughout his first speech fall under this broader category, which was situated somewhere between the fairly abstract notion of *honestas* and the fairly concrete idea of *utilitas*. Although Aper begins by arguing *utilitas*, he later mentions *honestum* ("the honorable") when criticizing Maternus' abandonment of his forensic duties (10.5). The logic of his disagreement with Maternus rests on the significant connection of public duties to *honestas*: to abandon the forum and its trappings is to repudiate not merely oratory but the full compass of honors which accrued to the successful advocate.[9] Aper's synopsis of *dignitates* works as a bridge between *utilitas* and *honestas*, rightly issuing in his claim that Maternus disregards *honestum*.[10]

Aper has canvassed the standard aims of the genre, repeating but ultimately repudiating the separation of *utilitas* from *honestas*. His emphasis on both rhetorical ends undercuts the initial suggestion of the universal significance of utility and thereby redirects us to the significance of the conditional clause.[11] If Aper ultimately does not maintain the premise, what function could it serve and to what might it ultimately refer? There are numerous forerunners in Roman rhetorical texts:

> omnem orationem eorum qui sententiam dicent finem sibi conveniet utilitatis proponere, ut omnis eorum ad eam totius orationis ratio conferatur.

[8] Cic. *de Orat.* 2.334; Quint. *Inst.* 3.8.1.

[9] Cf. Cicero's remarks in *Arch.* 14, in which Cicero attempts to align his study of literature (represented by his client, the Greek poet Archias) with the enhancement of his own public standing: "nothing in life must be so avidly pursued as renown and honorability" (*nihil esse in vita magno opere expetendum nisi laudem atque honestatem*).

[10] *Pace* Fantham (1996) 195 and Mayer (2001) 101.

[11] Skinner (2003) 117 discusses a strikingly similar manipulation of *si*-clauses in a half-dozen Catullan epigrams: "the essential soundness of a controlling generalization, factual or philosophical, rests upon the legitimacy of the opening premise on which it depends. In the most unforgettable of the series, poem 76, the protasis, as we know, turns out to be wholly invalid."

> It is appropriate that the entire speech of those who give their opinion propose the end of utility so that the entire economy of their whole speech is directed to it. (*Rhet. Her.* 3.3)
>
> quae omnes [*sc.* deliberationes] ad utilitatem dirigerentur eorum quibus consilium daremus.
>
> all of which [deliberations] aim at the utility of those to whom we give counsel. (*de Orat.* 3.141)
>
> est igitur in deliberando finis utilitas, ad quem omnia . . . referuntur in consilio dando sententiaque dicenda.
>
> Therefore utility is the aim in deliberating, to which all things are referred in giving counsel and opinion. (*Part.* 83)

Tacitus repeats the recognizable features from past definitions but conceals those definitions within the arguments of the speech: a verb (plus the preposition *ad*) indicating that argument should aim at utility (*conferre*, *dirigere*, *referre*) and the encompassing nature of the definition through a term such as *omnis*.[12] The *Rhetoric to Herennius* brings out this second aspect remarkably, with *omnis* occurring twice and *totus* once, which lends a formulaic ring to the wording.[13] Read against earlier texts, Aper's statement is calculated less to craft an argument based solely on utility than to signal awareness of the rhetorical tradition. The conditional neither fully endorses nor fully repudiates the proposition, but instead acknowledges that others have put forward such a definition and that it is a subject of controversy.

In transferring this debate over the aims to its new context Tacitus has formulated the problem somewhat differently from his rhetorical predecessors – only Tacitus prepends the conditional.[14] *Si* is not an intertextual marker, that is, a piece of language that refers us back to identical statements in a past author; rather, it frames and comments on the ensuing intertextual definition. By sending us back to contexts which survey rhetorical precepts, it marks out the *Dialogus* as one of many to engage with the contested definitions of deliberative. This is, of course, an appropriate point at which to direct the reader to past texts. Tacitus alludes to the

[12] Nisbet (1939) 80 ad Cic. *Dom.* 15 gives an excellent overview of the usage and meanings of *revocare/referre ad*. For discussion of intertextual citation, including the meaningful reuse of the language of *topoi*, see Chapter 6.

[13] Note the similar language about *iudicatio* (the point to adjudicate) in forensic cases: *omnem rationem totius orationis eo conferri oportebit* ("the entire economy of the whole oration ought to be directed there," *Rhet. Her.* 1.26). The author repeats the idea with nearly the same formula at 1.27. Cf. Var. *L.* 8.26, 8.27, 9.48.

[14] On the connection to Cicero's *de Natura Deorum* (1.7) see further below.

deliberative tradition at the opening of the first speech just as he reprises an entire tradition of dialogues in the opening of the work as a whole.[15] He has compressed the debate over the proper aims of deliberative into the inchoate assertion of a lone interlocutor. Tacitus thereby obscures the engagement with past texts: what we have here is not a character's mindset placed into the narrator's words ("focalization" in the argot of narratology), but the reverse, in which the author's artistry is glossed by the speaker.[16]

Tacitus' inventiveness should not be overlooked: he incorporates the main ethical conflict of the deliberative framework into the substance of the speech itself, so that the tension is present enough to be recognized, but still without explicit articulation. We are made aware of the problem, but we are not made aware of it *as a problem*, not, for example, in the same way that Antonius would discuss the conflict between the aims in *de Oratore*. *Dissimulatio* ("dissimulation," "hiding") renders the technical details less immediately audible, but they are still voiced through a complex network of textual reference.[17] The dissembling of technical knowledge featured prominently in *de Oratore* and in the self-presentation of orators generally, and Tacitus goes to great lengths to conceal the remarkable learning that suffuses the entire work. In this regard the *Dialogus* differs markedly from a more patently technical treatise such as the *Rhetoric to Herennius*, Cicero's early *de Inventione*, or Quintilian's *Institutio Oratoria*, although Tacitus has partly taken his cue from Cicero's *de Oratore*. In Book 3 Crassus uses the deliberative aims in a speech defending the use of prose rhythm.[18] The aims are more discernible there because a series of standard definitions precedes Crassus' apology for prose rhythm. Tacitus by contrast reverses the order, only eventually listing the aims in one of Vipstanus Messalla's later speeches: *nam in iudiciis fere de aequitate, in deliberationibus [de utilitate, in laudationibus] de honestate disserimus*.[19]

[15] Discussed in Chapter 6; on the reuse of Cicero see also Haß-von Reitzenstein (1970), Goldberg (1999), and Mayer (2001) 223–4 (s.v. "Cicero").

[16] Compare this to the (initially disarming) citation by Aeneas/Vergil of Catullus discussed above.

[17] Cf. Chapter 6 on Antonius' dissembling in *de Oratore*. Cicero at *Dom*. 121 claims ignorance of pontifical lore, and that even if he weren't ignorant, he'd pretend to be so; he then, nevertheless, goes on to allege improprieties in the technical details of a temple dedication.

[18] Cic. *de Orat*. 3.173–81. It largely operates around the opposition of pleasure (*delectatio*) and utility (*usus*), for which cf. [Quint.] *Decl*. 13.15. My characterization of the *Rhetoric to Herennius* and Quintilian's *Institutio Oratoria* is not meant to discount the fact that they too are far more complex in their pedagogical and rhetorical designs than has often been acknowledged; the claims I make below about modern prejudices in reading prose apply as much to these texts as to the *Dialogus*.

[19] "You see we generally discuss justice in court speeches, utility in deliberations, and honorability in praise speeches" (31.2). The text has been emended and we cannot recover with certainty Messalla's exact formulation. It is possible that he omits epideictic (praise) speeches and does mean to make

While certain details of language such as *omnia* and the verb are formal concessions to the deliberative tradition, the differences between Aper's version and those of his predecessors may make him seem more utilitarian. The embracing formulation *ad utilitatem vitae omnia consilia factaque* stakes a greater claim than Cicero or the *Rhetoric to Herennius*, in which a speaker is encouraged to tailor persuasion to the specific needs of the advisee. Whereas we might expect a formulation more like *ad utilitatem eorum quibus consilium damus* ("to the usefulness of those whom we counsel"), Aper's definition covers all possible deliberation and action. This partly accounts for mixed reactions to the presumptuous claim, but presumption also renders it a general truth about the universal importance of deliberative categories. The *si*-clause and the ultimate appeal to *honestum* nullify *utilitas* as the lone guiding principle, but *omnia* still holds out the prospect that rhetorical categories can be applied to all forms of human thought and conduct. Seen in the light of Aper's whole speech and the tradition of deliberative, *si . . . omnia* does not reduce human action to a utilitarian principle; it endows rhetoric with the greatest possible relevance. Even as Tacitus undermines strict utilitarianism, he insists on the larger significance of rhetoric as a way of viewing and structuring the world.[20] For this reason another illuminating parallel cannot be kept out of the mix (although my reading here has suppressed it thus far in order to emphasize continuity with the rhetorical tradition):

> si omnia philosophiae praecepta referuntur ad vitam, arbitramur nos et publicis et privatis in rebus ea praestitisse, quae ratio et doctrina praescripserit.
>
> If all the precepts of philosophy are directed at one's way of life, I think that I've brought to bear on my public and private dealings those which theory and learning have furnished. (Cic. *N.D.* 1.7)

Cicero's biographical claims at the opening of his theological dialogue *On the Nature of the Gods* (*de Natura Deorum*) assume rather than seek the

honestas the lone aim of deliberative, though such a system would be fairly unorthodox; at the very least it would need defending. Whatever the definition, it does not alter the pattern I have outlined: Messalla's "theoretical" explanation follows the "practical" rendition in Aper's speech. Compare as well Messalla's (slightly different) emphasis on *utilitas* at 30.4 and 30.5.

[20] In this regard Quintilian's treatment of how to define the *ars rhetorica* discusses how it, like any *ars*, is directed towards a useful purpose for living: *ad finem utilem vitae* (*Inst.* 2.17.41), which may account for the similar language (*ad utilitatem vitae*), and the similarly broad emphasis, of the *Dialogus*. Cf. *Inst.* 8.pr.6 (recapitulating *Inst.* 2.15–18): *rhetoricen bene dicendi scientiam et utilem et artem et virtutem esse* ("rhetoric, the science of speaking well, is useful, an art, a virtue"). Later on Quintilian will canvass the possibility of considering only the usefulness of rhetoric along with the social and material goods which it brings. While these are important and sufficient reasons to want to pursue oratory, Quintilian also hopes for more from his followers (*Inst.* 12.11.29).

reader's approval of philosophy's application to the practical life.[21] Written in the mid 40s BCE as Cicero largely sat on the sidelines while Caesar managed the state, Cicero is pressed to justify a way of life by defending a choice of genre, and we can read Aper's statement as a similar promotion of rhetoric which contemplates its role in human conduct at large. But Aper's discussion of oratory rather than philosophy turns back the Ciceronian clock, taking us also to an earlier stage of Cicero's career, for example, to the mid 50s BCE and to *de Oratore*'s touting of the ideal orator's supremacy in public life. As a precursor for the *Dialogus*, Cicero's musings on the private and public application of philosophy only strengthen the global relevance of *eloquentia* ("skilled speech") in this new Tacitean context.

This universalizing tendency joins the world in the *Dialogus* to the world outside of it. The participants engage in more than mere academic exercise, delivering speeches which are hardly fanciful elaborations of the declamatory schools from which they emerged. Messalla will tell us as much upon his arrival (14.3) and through the later criticism of rhetorical schooling when it is impractical. The *Dialogus* stages itself as a model for imitation and the attempts to define rhetoric also detail a program of elite existence more generally. The first debate presents two alternative and equally compelling visions of how to employ *eloquentia*, as orator or as poet, and in the process the interlocutors outline an entire range of aesthetic, moral, and political commitments.

That deliberative categories were not merely an academic concern is also brought out by another intertext from Quintilian. He too hesitantly recognizes the occasional need for the orator to place utility before abstract moralizing but feels obligated to call on Cicero's assistance. Quintilian cites a letter from Cicero to Brutus in which Cicero considers the nature of the advice he ought to give to Octavian Caesar:

> Poterat me liberare Cicero, qui ita scribit ad Brutum, praepositis plurimis quae honeste suaderi Caesari possint: "Simne bonus vir si haec suadeam? Minime. suasoris enim finis est utilitas eius cui quisque suadet. At recta sunt: quis negat? Sed non est semper rectis in suadendo locus."
>
> Cicero could free me from criticism, who wrote to Brutus, after many propositions had been made which could honorably be put forth to Caesar [i.e. Octavian]: "Should I be a good man if I advise these things?" No. The aim of someone persuading is the utility of that man whom he counsels. 'But they're right.' Yes, of course. But there isn't always a place for right things in counselling. (*Inst.* 3.8.42)

[21] See Dyck (2003) 64 and Baraz (2012) 139. The interpretive difficulties for the reader of Cicero's (controversial) suggestion resemble those faced by a reader of Aper's.

Quintilian's reprisal of the issue indicates that the debate over deliberative aims persisted well into the imperial period. The reference to Cicero and his management of the young Octavian in the post-Caesarian chaos touches on the political relevance of deliberative. The relationship of rhetoric to the public world is a further topic of the *Dialogus* and could be said to be its real theme as much as the "ostensible subject" of decline.[22] As with a number of other issues the question turns on whether to conceive of the evolution of oratory as a break with the past or as a continuity of the genre in its natural course.

Quintilian's justification by way of Cicero also reminds us that any definition of oratory could not avoid Cicero's role as an exemplar. The modern reader faces the risk of making Cicero the normative model while ignoring the extent to which Tacitus analyzes, at the very least, and, as will become evident in the course of this book, seeks to escape Cicero's stranglehold on Roman oratory. While all the same avenues in public life were not available to a speaker in Tacitus' day, *eloquentia* had lost none of its cultural cachet. Even if Aper only begins to outline a new definition of rhetoric and its values – Maternus of course will offer a parallel vision of the poet's craft – that is the first step in an attempt to elevate *eloquentia* to a guiding principle of Rome's elite.

The examination of a brief snippet from Aper's opening speech was meant to demonstrate both the richness and the complexity of statements in the *Dialogus*. Not every quarter-sentence merits the same attention nor could we expect the same returns in probing every word further.[23] Yet there are more pressing questions of interpretation behind the details. How do a speaker's statements elicit such broadly ranging reactions, and what are the pitfalls in identifying with the surface statements of any of the work's speakers? Whether we embrace or reject Aper's opinions on oratory is not really the issue, just as (to return to the analogy with the *Aeneid*) our tendency to pity or to dismiss Aeneas cannot adequately exhaust the interpretive possibilities that the poem provides for us.

The *Dialogus* frequently delivers a fairly straightforward line of argument only then to revise it through alternative sources of meaning, such as the interconnections to other arguments or pieces of language in the work

[22] Costa (1969) 27.

[23] Although in many cases such attention will be crucial to avoid imposing modern misconceptions onto ancient ideas: see the discussion of the term *arma* in the rhetorical tradition (Aper's martial metaphor in the passage quoted at the beginning of this introduction). Readers who side with Maternus' characterization of oratory as bloodthirsty and single out Aper's use of military language for criticism will necessarily overlook the perils of public life at Rome in any period and their codification in the pugnacious lexicon of the rhetorical art.

or, beyond it, through intertextual reference. Consequently, a speaker's statements in the *Dialogus* cannot be interpreted solely on the basis of the immediate argument. That the speeches are said to be persuasive need not mean that their main purpose is to persuade. One is a formal requirement of rhetorical presentation, the other an interpretive assumption that can – but need not be made – by a reader of dialogue. In this regard, the dialogue is precisely *not* like modern expository prose or academic argument, which aims for maximal transparency and the full realization of meaning at the moment of utterance.

In so many instances the speakers perplex us with a statement that we cannot entirely accept – Aper seems too eager to calculate the practical effects of *eloquentia*, while Maternus cannot calculate them at all – his plays (which have political consequences) clash with his definition of poetry (which is quietism). Messalla's nostalgia for an age of Ciceronian idealism that never really existed has also troubled the scrupulous, and its exaggerations are not so unlike Maternus' distorted picture of forensic circumstances in his final speech. Yet to reject the speakers for their inconsistencies would leave us with little to appreciate. These and similar difficulties are part of the allure in reading the *Dialogus*, even if they require an approach that can account for the work's sophistication.

Summary of the chapters and conclusion

This study contains seven chapters. Though focusing on the *Dialogus*, each illuminates general strategies or interpretive issues of dialogue, and hence each contributes to an understanding of the genre. Chapter 1 summarizes the arguments and setting before looking at the cultural and political milieu that gave rise to the *Dialogus*, detailing the historical contexts of both the setting (*c.* 75 CE) and writing (*c.* 100 CE). It also situates the *Dialogus* within the history of Roman rhetoric, both the practice of oratory and theoretical discussions in treatises and dialogues. It then focuses on contemporary developments: rhetoric in the imperial period, with special attention to the literary role of declamation and the theme of decline. Chapter 2 addresses the major interpretive cruxes, first summarizing the approaches to the text in the scholarship thus far and then proposing a framework for the analysis of dialogue, "argumentative dynamics." This is a model with which to assess the complexities of dialogue argumentation, accounting for both the statements of a given speaker and the submerged arguments that emerge through consideration of a work's literary devices.

This framework examines both the complexities of the *Dialogus* itself and in its relationship to the tradition of dialogue.

The book then turns to a close reading of the *Dialogus*. Chapter 3 analyzes the work's "interstitial passages," the dramatic statements outside speeches that direct a reader towards key themes and that include metacritical commentary. A main emphasis is the tension between *ingenium* and *fama*, as Tacitus highlights the significant difference between the development of talent and the renown which orators could acquire.

The next chapters consider the synthesis of arguments in the dialogue: the *Dialogus*' six speeches need not be read as at variance with one another; instead, each details unique dimensions in a searching explanation of *eloquentia*. Chapter 4 examines how the first two speeches refashion the *Dialogus* as a discussion about the social efficacy of *eloquentia* in the imperial world. What are the obligations of the elite in imperial society, how much are they modeled on traditional Roman values, and what sorts of individuals pose threats to the accepted order? In terms of method this chapter examines the larger tendency of the work to employ examples and evidence which undermine the larger arguments in which they occur, thereby requiring the reader to intervene and to arbitrate between the competing claims and their implications. Chapter 5 moves on to the last four speeches. They offer a coherent developmental aetiology of *eloquentia* by examining the cultural and historical conditions of its generation. Although the fiction of the dialogue presents the speeches as being at variance with one another, they can also be read together, which allows us to read them as a larger programmatic statement about *eloquentia*. The aesthetic values championed by Aper are read in the light of changes to the judicial and educational conditions of the Empire. Close connections between Aper's speeches and Maternus' closing speech outline a general continuity in oratorical norms and practices between the Republic and the Empire.

Chapter 6 revisits the dialogue's literary forerunners by reading closely the intertextual reworking of Cicero's *de Oratore*. Tacitus is a masterful reader and commentator of Cicero, refashioning the arguments and representational strategies of his forerunner as part of a singular contribution to the dialogue genre. This chapter contributes to our understanding of Latin prose intertextuality and of the extent to which later authors could reformulate the tensions of the Ciceronian tradition in the service of their own literary creations. Chapter 7 details the tradition of literary criticism and literary history on which the *Dialogus* draws (especially Cicero's *Brutus*, Horace's *Satires* and *Epistles*, and Quintilian's *Institutio Oratoria*).

It stresses their shared conceptions of literary evaluation and literary evolution. Tacitus absorbs and, through different characters in the dialogue, reissues the main categories of criticism available to the Roman critic. Again Tacitus requires the reader to intervene in the conceptual and theoretical speculations of the work by leaving us to infer the consequences of different critical habits. As such, the *Dialogus* may be the most capacious, self-reflexive, and revealing document of literary criticism and history in Greco-Roman antiquity.

This book is about the complexities of understanding the *Dialogus* and (implicitly and more broadly) about the possibilities of interpretation in the genre of dialogue at large: how can we read dialogues and what sorts of requirements do such texts impose upon us as readers? How are the rhetorical and literary elements essential to an appreciation of dialogue, and how does Tacitus disclose the techniques by which to understand the *Dialogus*? Aper's reticent assertion says, at the very beginning, that you are in the company of a speaker (and author) whose mastery of the rhetorical and dialogue traditions will be essential to what follows.

CHAPTER I

The Dialogus *and its contexts*

A summary of the *Dialogus de Oratoribus* ("Dialogue on the Orators")

Preface and setting

With apparent artlessness Tacitus brings us into the *Dialogus* mid-conversation, responding to Lucius Fabius Iustus, who often asks (*saepe ex me requiris*) why past ages (*priora saecula*) flourished in talent and glory, whereas the present age (*nostra aetas*) is deserted and lacks distinction in *eloquentia* ("skilled speech," "eloquence"). This transfer of responsibility onto a public notable like Fabius Iustus – *consul suffectus* for 102 CE, friend of Tacitus and the Younger Pliny, and common figure in the latter's *Epistles* – was a well-worn *topos*. The artifice fulfilled various functions, to contextualize a work historically and socially, to provide a suitable pretext for the choice of material, and to give the appearance of meeting an obligation to a literary confidant.[1]

As Tacitus takes up the question, the shape of his response, its peculiar manipulation of convention and details of language, remains remarkably unclear. Drawing again on tricks of the tradition, Tacitus withholds his own opinion and claims to recount a conversation he attended as a young man. Many dialogues mask an author's inventiveness through such indirection (Plato's *Symposium* or Cicero's *de Oratore* come to mind), but we are not meant to believe that the author reports an actual request or transcribes verbatim a conversation to which he was the silent party.

[1] See Janson (1964) on the prefatory *topos* and Stroup (2010) on the "sociopractical" dynamics of literary dedication. Compare Pliny's wonderfully humorous account (*Epistles* 6.15) of the convention's breach by Iavolenus Priscus in the case of the aspiring poet, Passennus Paulus. As it happens, that letter precedes the famous one to Tacitus in which Pliny answers Tacitus' alleged request for an account of Pliny the Elder's death during the eruption of Mount Vesuvius (*Petis ut tibi avunculi mei exitum scribam*). 6.15 introduces and helps to guide the reception of the ensuing request in 6.16. Cf. Gibson and Morello (2012) 66–7.

The gathering unfolds before us in a concise, almost sparse narrative. Tacitus accompanies Iulius Secundus and Marcus Aper to the home of Curiatius Maternus. Maternus became the talk of the town "when he was said to have offended the susceptibilities of the powerful" (*cum animos potentium offendisse diceretur*, 2.1) with the previous day's recitation of his drama, *Cato*. Tacitus would often follow around the two rhetorical luminaries, Secundus and Aper, hanging on these older speakers' every word in order to acquire greater facility in eloquence. Terse praise for Secundus precedes the fuller compliments for Aper's rhetorical prowess, which draw on the descriptions of Marcus Antonius and Lucius Crassus, the main characters of Cicero's *de Oratore*. Aper is learned, but conceals erudition behind a façade of contempt for letters and a show of talent and industry.

Upon arrival Secundus suggests that Maternus might vet the offensive bits of his *Cato*, a suggestion Maternus rebuffs: he's already fashioning a *Thyestes* for impending recitation. His insistence presents an opportunity for Aper to guide the conversation to a long-standing debate between the two: the practice of oratory and poetry. Maternus proposes Secundus as judge, who recuses himself because of his friendship with Saleius Bassus, a poet of some talent. Aper is not interested in criticizing poets in general, but in the specific case of Maternus, the skilled barrister turned poet, who has abandoned his forensic duties and consequently his larger social obligations.[2] At this point (5.5) Aper begins the first of the work's six speeches.

Outlining the action in this way can hardly capture Tacitus' tendency to touch on or allude to topics of considerable thematic weight. The guileless and precipitous movement towards the first debate distracts from the richness of the language and descriptions, whose significance, though not immediately apparent, will become evident in the course of the work. Along the way some principles of organization can be discerned. Described in the grossest strokes, the first three paragraphs of the *Dialogus* proceed along lines familiar from Quintilian's grand treatise, the *Institutio Oratoria* ("Education of the Orator"): (1) art, (2) artist, and (3) work.[3] The first

[2] The writing of tragedies by men of standing was traditional and compatible with other literary pursuits and with participation in a public career, including forensic, political, or military duties; cf. Conte (1994) 108: "in the history of literature between the Gracchi and Augustus the writing of tragedies will become a typical private occupation for educated men, often illustrious politicians." Remarkable in the *Dialogus*, especially in light of Maternus' *Thyestes*, is the absence of any mention of the younger Seneca, who was active as a playwright in addition to being a formidable stylistic influence.

[3] Quintilian makes the division with brief definitions of each at *Inst.* 2.14.5. The details of the art occupy far and away the greatest part of the *Institutio*; the artist will not surface until 12.1–9, his work in 12.10.

section draws heavily on technical categories of the rhetorical art: talent (*ingenium*) and judgment (*iudicium*), the proper designation of a speaker (*orator*), invention (*excogitata subtiliter*), elocution (*dicta graviter*), memory (*memoria et recordatione*), arrangement (*isdem numeris isdemque rationibus* "the same divisions and lines of reasoning", *servato ordine disputationis*, "maintaining the order of discussion"),[4] emotion and character (*formam sui et animi et ingenii*, "an outline of his feeling and disposition"), and even a hint of humor (*irrisa*; in conjunction with *vexata* it suggests Aper's mocking of the ancients).

The second section continues the litany of technical vocabulary, but refocuses attention onto the individual practitioners, such as Tacitus' role models, Secundus and Aper. The former is evaluated for his speaking style (*purus*, *pressus*, *profluens*) – perhaps a piece of prospective irony, given that Secundus ultimately delivers no speech in the work. The latter is evaluated through a traditional trio of characteristics essential to the *orator*: learning (*eruditio*), diligence (*industria et labor*), and talent (*ingenium*).[5] Section 3 moves the focus onto Maternus, but less to describe him than his literary creations: the *liber* (used three times in this section), which he holds in his hands, and the plays *Cato*, *Medea*, and *Thyestes*.

The narrative cannot long resist the pull towards the external world, towards the effects and consequences of rhetoric beyond its systematic outlines. Secundus anticipates this problem in mentioning the rumors which Maternus' recitation of the *Cato* had caused the day before (2.1). While Maternus insists that he will continue his playwriting, we find only the vaguest details concerning the offense. Maternus may have offended someone (*animos potentium* tells us that they are powerful, but *diceretur* confirms only the report and not its substance). The grounds for offense indicate technique rather than content: engrossed in the figure of Cato, Maternus forgot himself. And was offense intended or a by-product of reception? *Fabulae malignorum*, "rumors of the captious," suggests that some men (the powerful – or others?) have misinterpreted or misrepresented the play, possibilities reinforced by *prava interpretatio*, "faulty interpretation."[6] As

[4] In *Ep.* 1.1, the programmatic opening letter, Pliny says he will avoid temporal order in his collection, and aligns such an idea with history: *collegi non servato temporis ordine (neque enim historiam componebam)* ("I assembled them without regard to chronology [since I'm not writing a history]").

[5] The triad *ars*, *exercitatio*, and *ingenium* were fundamental to rhetorical teachings, going back at least to Protagoras and Plato's *Phaedrus* (269d). Shorey (1909) is seminal with LPW 1.209–11 and Mayer (2001) 94 for discussion and bibliography.

[6] Secundus uses these phrases in 3.2. It is difficult to render both senses of *interpretatio*, which can mean to interpret (for oneself) or to expound (for others). *TLL* VII.1.2254.55–6 [Kühnen, 1964] gives the synonym *interpretamentum* ("interpretation," "explanation") and nicely summarizes the

for the content of the plays, we learn nothing beyond mere titles. Maternus' insistence comes out in a trio of phrases whose pugnacious frankness conveys an attitude more than any concrete information: *leges quid Maternus sibi debuerit* ("You'll read what Maternus owes to himself") and *adgnosces quae audisti* ("You'll recognize what you heard") only doggedly restate the riddle, as does mention of the plays' eponymous characters: *si qua omisit Cato, sequenti recitatione Thyestes dicet* ("If Cato left anything out, Thyestes will say it at a future performance."). It is almost as if Tacitus has Maternus take his cue from modern semiotics, as the attempt to make clear the content of one term points us to another equally arbitrary and equally empty one.[7]

When, at the end of section 3, Aper mentions the obligations which Maternus forsakes in the pursuit of poetry, he broaches the topic of what kind of eloquence best suits a Roman of standing and talent, which ultimately becomes the central issue of the first debate. There is a constant interplay between the cultural and historical worlds examined within the dialogue and the pressing realities of the world outside; one programmatic term for such intrusions is *negotium* ("business"), found in the last sentence of section 3. Yet Tacitus gives an unusual turn to it by aligning literary creation with traditional public activity. Maternus' new business (*novum negotium*) consists in writing about the likes of Cato or Domitius and adding Roman historical figures to the world of Greek tales (*fabulae*). This is an essential, if implicit, gesture of the *Dialogus*, to collapse the distinction between the spheres of *otium* ("private activity") and *negotium* ("public action"), so marked in Cicero and his counterparts of the Late Republic such as Catullus or Sallust. Conflation of the two areas is made evident in physical terms by holding the conversation in Maternus' *cubiculum* ("sleeping chamber")[8] but while at Rome rather than a

ambiguity between internal processing and external presentation: *sive mente concepto sive verbis vel litteris expresso*. It is unclear whether the content of Maternus' plays was misunderstood to be offensive, thus causing rumors, or if rumors were circulated by those who sought to paint it as offensive.

[7] The apparent inconsistency of Maternus' character in the *Dialogus* dominated the scholarship of the last century. For a recent overview of the question and a discussion of his plays in the Flavian context, see Gallia (2009). Readers of English will find a lucid interpretation in Bartsch (1994) 98–125, whose theory of doublespeak builds on a number of German works, especially Köhnken (1973), which read Maternus' praise of Vespasian and the principate as ironic. I examine these interpretive issues in Chapter 2 and the subsequent analysis of the speeches will address the "Maternus problem" (especially Chapters 4 and 5). On various attempts to identify Maternus, see Barnes (1981), Devreker (1986), and Kragelund (2012).

[8] The *cubiculum* is a multi-faceted and significant element in the elite household, used not only for sleeping and sexual activity, but also for conducting serious (often confidential) business and for learned discussion and display among close associates. Cf. Crook (1955) 106–9, Wallace-Hadrill (1988)

removed countryside villa, where Cicero had placed the luminaries of *de Oratore*.[9]

Section 4 steers us to the same conclusion from the opposite direction, by transposing the world of the forum onto the interlocutors' debates. Secundus is put forward to adjudicate the disagreement, which is frequent and unremitting (*frequens et assidua contentio*).[10] Maternus offers a playful conceit in having made poetry his client: *ego, cui desidiam advocationum obicis, cotidianum hoc patrocinium defendendae adversus te poeticae exerceo* ("You criticize me for neglecting court duties and here I am defending the art of poetry against you on a daily basis," 4.1). The operative legal terms are *advocationum* ("pleadings in court"), *patrocinium* ("legal patronage"), and *defendendae* ("defending"). We can envision Maternus' self-deprecating banter as he reels off the patently technical *poeticae* ("poetics," "the art of poetry").[11] Often Tacitus injects humorous relief into the scenes, and the interlocutors sustain a deferent and sincere politeness even in the heat of disagreement (cf. 27.1–2). It is a mark of dramatic genius to give a lighter tone to comments that nevertheless bear some greater relevance.[12] On arrival Messalla imagines a private session of a practice case: *interveni secretum consilium et causae alicuius meditationem tractantibus* (14.1)?[13] Experience has taught him what to expect, and he continues by noting that the interlocutors exercise their talents with real court cases, declamations, and discussions such as those of the *Dialogus* (*eius modi . . . disputationes*, 14.3). The easy movement between these private disputations and the

and (1994) 17–61, esp. 17 and 58, Grahame (1997), Leach (1997), esp. 68–71, Riggsby (1997), Sessa (2007), esp. 177–9, Nissinen (2009) for a general overview, Carucci (2012) on the *cubiculum* in the (coincidentally named) villa of Maternus in Carranque, Spain.

9 Pliny is a good witness to the mixing of the two notions. Cf. *Ep*. 1.3 (to Caninius Rufus), especially 1.3.3: *hoc* [i.e. *studia*] *sit negotium tuum, hoc otium, hic labor, haec quies* ("Let this [i.e. your studies] be your business and your leisure, your labor and repose"). The letter, perhaps not by coincidence, evinces remarkable conceptual and verbal parallels to statements in the first debate of the *Dialogus*. Yet the collapse of *otium* and *negotium* touched on in the *Dialogus* will become for Pliny a dominant theme of the letters.

10 *Frequens* hints again at the "*saepe*-motif" from Fabius Iustus' initial inquiry. Pliny programmatically begins his collection of letters with the word *frequenter*.

11 Cf. *TLL* X.1.2519.51–2520.2 [McGowan, 2007].

12 Cf. Messalla's badinage upon arrival at 14.3–4, which turns the debate towards examination of ancient and modern rhetorical practices.

13 I am not yet persuaded by Penwill (2003) or Strunk (2010) who read this statement and the cordial joking at the work's conclusion in a sinister manner in line with Messalla's allegedly sinister intent (inferred from his association with Regulus). I do not see how Messalla, if he presented such a threat to Maternus, would reach Maternus' *cubiculum* unannounced, or why all would assemble so frequently, at Maternus' house or anywhere. Minucius Felix's *Octavius* imitates the closing scene of the *Dialogus* in a way that suggests he read in it a jocular departure; see Carver (1974); Edwards (2008) on the light-hearted tone of the *Dialogus* in connection to Plin. *Ep*. 1.6 (*ridebis et licet rideas*).

agonistic world of the forum further confounds the spheres of *otium* and *negotium*. For all the Ciceronian veneer, the *Dialogus* – here as elsewhere – carefully measures out its distance from the Rome of the Late Republic.[14]

The reference to legal controversies also defines the *Dialogus* and its speeches, although there are two stages of definition in the course of the introduction. Section 1 gives us Tacitus' version of the encounter: a *sermo* ("discussion") answering a *quaestio* ("question"), terms that traditionally describe a dialogue. We rightly expect a series of responses to Fabius Iustus' initial question, since Tacitus emphatically remarks that the interlocutors were "handling this same inquiry" (*hanc eandem quaestionem pertractantes*, 1.2).[15] Tacitus describes the ensuing speeches in terms that apply equally well to the arguments of a dialogue or to the performances in the declaimers' halls: opposed to one another yet still convincing, and one speaker (Marcus Aper, we later learn) takes up a position against the other interlocutors (*diversam partem suscipere*, 1.4), preferring the present age's *eloquentia* to the ancient luminaries.[16] The phraseology calls to mind the rhetoricians' and philosophers' habit of arguing each side of an issue in order to probe and to arrive at the most plausible argument: *in utramque partem disputare*. The dialogue alludes to both models of debate, but these are, ultimately, slender distinctions of kind within the same family: it is easy to recognize elements both of the dialogue tradition and also of declamation.[17] In the course of the introduction Tacitus redefines the speeches so as to underscore their relevance to forensic practice: the initial general inquiry befitting a philosophical dialogue is cast into the narrower syncrisis of two models of eloquence, with the institution of a judge to settle matters (itself a *topos* of dialogue). Maternus' defense of poetry is a form of oratorical preparation, expressed in the technical term *exercere*.[18] Just as the preface's description of oratory takes us first through the technical elements of the art, then to its practitioners, and finally to their products and effects in the world,

[14] But already the alignment of domestic and public spheres was taking shape in the Late Republic. Consider Cic. *Orat.* 148: *forensibus nostris rebus domesticae litterae respondebunt* ("Our literature at home will answer to our forensic activities"). Dugan (2005) and Stroup (2010) study this development in Cicero.

[15] That Tacitus ultimately defaults on the promised discussion will be addressed in Chapter 3.

[16] The description could, for example, summon up the image of Antonius in the first book of *de Oratore* or of Asinius Pollio in Seneca the Elder, the lone figure who against all other declaimers urged Cicero to beg Antony for his life if he agreed to burn his writings (Sen. *Suas.* 6.14).

[17] Chapter 2 discusses in greater depth the dual definitions in connection with the generic affiliations of the *Dialogus*.

[18] The main topic of Messalla's second speech is *exercitatio* ("exercise," "training"), the various means by which the orator could hone his skills.

there is a parallel framework in the work's self-description, in which this abstract, initially private conversation ultimately provides models of (and for) public oratorical practice.[19]

The repetition and revision of major themes is not isolated to the internal workings of the preface, which capaciously anticipates nearly every topic which will fall under the speakers' purview. Interconnections are especially evident at the level of language. When Maternus is "said to have offended the susceptibilities of the powerful" (*cum offendisse potentium animos diceretur*), the verb *offendere* sounds a major topic: the possibility of giving offense, of the social and political immediacy of *eloquentia*. That *eloquentia* in the form of plays, speeches, or even discussion can prove offensive will emerge at various points. Should one upset the powerful because of Cato, Aper later asks, or on behalf of a client whom one is defending, a social context which justifies one's outspokenness (*libertas*)?[20] The interlocutors scrupulously avoid offending one another (27.1–2), but also realize that their comments may reach an audience beyond those assembled in Maternus' home. Messalla notes that Aper might have offended contemporary speakers whom he didn't cite as models of excellence (26.7), and later worries about what others might think of his own remarks, should they be heard (32.7). These latter gestures are two of many metacritical asides, in which Tacitus has characters act as agents of interpretation and commentary on the workings of the dialogue. Such remarks also continue the preface's conflation of the world outside with the world inside. Nevertheless, the scattered hints at the composition and reception of the dialogue bring with them an unexpected effect: they indicate its fictional status, but encourage rather than undermine our complicit belief in the dramatic fiction.

The term *offendere* is one of many which subsequent chapters of this book will consider in greater detail, yet it is worth noting some key ideas of the preface that span the work, such as time (*aetas*, *saecula*, *tempora*; *antiquus*, *novus*), evaluative categories (*iudicium*, *ingenium*, *orator*, *eloquentia*), or

[19] See Johnson (2012) 65 on the "palpable urgency concerning literary activity," significant "not merely for the interior group but for the world at large."

[20] Cf. 10.6–8. A prominent related theme is *libertas* ("outspokenness," "license," "political independence"; 10.8, 23.6, 27.3, 40.2). Consider also *malignitas* ("misinterpretation," "captiousness") and *securus* ("carefree," "secure"). Van den Berg (2008) discusses *malignitas* (though its analysis of 23.6 is made less effective by an unfortunate rendering of the Latin). *Securitas*/*securus* occurs in a wide range of applications at 3.2, 5.2, 5.5, 10.7, 11.4, 13.1, 35.3, and 37.8. The etymological nuance of "free from care" (*se-cura*) can be read in Secundus' remarkable suggestion (pun?) that Maternus render his *Cato* safer (*securiorem*) through greater attention (*diligentius retractares* 3.2). Maternus responds in kind by referring to the play as a *cura* (3.3), "the trouble taken over a literary work" (Mayer [2001] 96) or the work itself as a product of careful labor.

renown and literary reception (*fama*, *gloria*, *laus*). Even minor details of the introduction recur in a way that prompts us to revisit the earlier uses. Thus, Maternus' writing of a *Medea* and a *Thyestes* is placed into a recognizable lineage of poetic activity and the pursuit of renown when we later learn of Roman precedents, Ovid's *Medea* and Varius' *Thyestes* (12.6).

A further complexity lies in the skilled employment of essential vocabulary, whose nuances seem to be a matter of design rather than the pure accident of semantic breadth. This volubility extends the discussion of a given idea or problem across the length of the work as each instance of a term can afford the reader a new perspective. We have already seen the local tendency in section 3's use of *fabulae*: Maternus' plays (*fabulae*, a technical term) have occasioned gossip (*fabulae*, a somewhat unusual meaning). The homonym seems hardly accidental in a section whose main topic is the writing of plays, especially given the ready availability of more common synonyms, such as *rumor* or *fama*. The coincidence suggests on the one hand an inevitable, almost causal, link between literary production and public response, even if such a response is not necessarily commensurate with intention. These uses, in turn, give us new purchase on Tacitus' designation, only sentences earlier, of the interlocutors' "discussions" as *fabulas* (2.1).[21] The semantic variability of this single term unites notionally distinct forms of *eloquentia* (plays, speeches), while evincing an acute awareness of the incalculable nature of public reception. At a broader level throughout the course of the work lexical repetitions can forge connections between disparate concepts and arguments.[22]

The constant awareness of pressing realities outside the dialogue may partly explain the various attempts to legitimize the authority of *eloquentia* within it. Aper initiates this process by noting obligations to friends and clients of the Italian towns (3.3). He will expand the geographical scope to include protection of the provinces (*complecti provincias* 5.4), implicitly referring to provincial reliance on Romans for legal advocacy, especially in cases of extortion (*repetundae*) by Roman officials.[23] Maternus similarly

[21] Variance in the use of *sermo* bears out a similar pattern: a technical term to describe dialogue (1.2), the rumors about Maternus' recitation (2.1), and an assessment of *eloquentia* (2.1 and 2.2, in reference to Secundus' stylistic ability).

[22] A large-scale pattern of ring composition can be observed in the use of *saecula* in the first sentence and in the last of the final speech (1.1, 41.5). On valuable repetitions in Roman dialogue generally, see Fox (2000) 272, Fantham (2004) 326, and Stull (2011). An additional consequence of such repetitions is the need on the part of readers to pay careful attention to the specifics of the Latin terms used in the course of the dialogue.

[23] In 99/100 CE Tacitus along with Pliny helped prosecute the extortionist Marius Priscus, former governor of Africa. See Pliny's detailed account in *Ep*. 2.11.

describes poetic eloquence via spatial metaphors, abandoning the restrictions of the bar (*angustiae*) for a holier (*sanctior*) and more august (*augustior*) *eloquentia* (4.2). The poet ironically takes his cue from Cicero's definition of the ideal orator, whose universal knowledge should encompass all areas rather than the technical confines (*angustiae*) of the rhetorical art.[24] Tacitus gives a final twist to the legitimation: Aper would feign ignorance of letters so as "to seem to rely on no props of alien [i.e. non-rhetorical] arts" (*nullis alienarum artium adminiculis inniti videretur*). The assertion underlines an autonomous ideal for oratory: to be singular, natural, and untainted by other fields (and therefore to claim the ascendancy over them). Yet the nuance of *videretur* ("to seem") includes the additional requirement for the orator to hide his artistry and his all-encompassing learning, again a keystone of rhetorical prescriptions.[25] The tension between surface simplicity and underlying sophistication offers one possibility for understanding the artistry of the introduction. More generally, rhetorical categories and ideals can be fruitfully applied to analysis of the *Dialogus* in order to understand its characters, design, and especially its speeches, to which we now turn.

Summary of the speeches

Because Chapters 3, 4, and 5 handle at length the dramatic sections between the speeches and then the speeches themselves, the following gives the barest outline of the interlocutors' main arguments and of key aspects in the transitions between them. The subsequent main sections will address various contexts of the speeches, including the historical circumstances of the composition and setting of the work and the histories of dialogue and rhetoric at Rome. The present summary aims to be expository rather than interpretive, a necessary precursor to understanding the history of the scholarship, but insufficient for a greater understanding of the *Dialogus*.[26]

[24] Maternus' metaphor (*angustiae*) is from *de Oratore* (cf. e.g. 3.126). Mayer (2001) 98 observes that *sanctiorem* and *augustiorem* form a Ciceronian doublet.

[25] The underlying concept is *dissimulatio* ("dissimulation," "hiding"), prominent in the description of Marcus Antonius in *de Oratore* (the parallels between the two works are discussed in Chapter 6). See Leeman (1985) on discussion of this ruse at *de Orat.* 2.12–28. Cicero's *Orator* elaborates on the necessary concealment of artistry in employing prose rhythm. Quintilian 2.17.6 says of Antonius *dissimulator artis fuit* ("he concealed his art"). Cicero effectively wields the strategy in the *Pro Murena*'s criticism of Sulpicius, feigning little knowledge of the law in order to undermine its relevance to the case (and he takes a similar attitude towards pontifical law in *de Domo sua*). The need to avoid ostentatious artistry can be found at least as early as Arist. *Rh.* 2.2.4. Perhaps the most famous Latin version is Ovid's: *ars . . . latet arte sua* ("the art goes unnoticed by virtue of its artistry," *Met.* 10.254).

[26] That division of expository versus interpretive is ultimately a false one, to be sure, and the reader should compare the present summary with den Boer (1939), Kennedy (1972) 515–23, Luce (1993a)

Fabius Iustus' introductory question provisionally suggested that the work may address "the decline of oratory," although the precise terms of the question, and whether the remainder of the work bears out that conclusion, depend on a number of interpretive issues which will be addressed later. Three paired debates touch on a range of topics, yet however much the diversity of subject matter and opinion may fascinate the reader, the lack of a single strand of argument, much less a single point of discussion, leaves us with no immediate sense of the dialogue's subject matter or message. An analysis could divide the speeches as follows:

Aper I (defends oratory) – Maternus I (defends poetry)
Aper II (defense of modern orators) – Messalla I (attack on modern orators)
Messalla II (failed education and training) – Maternus II (lack of oratorical opportunities)[27]

Aper I

The first two speeches (5.3–13.6) debate the relative merits of oratory (Aper) and poetry (Maternus). Aper praises the trappings of the forum, citing both its practical advantages (*utilitas*) and honorific benefits (*honestas*). His emphases are of a piece with the traditions of deliberative, as Aper tells us of the clients, friends, offices, autonomy, renown, pleasure, and pecuniary rewards that await the successful orator. The distinctly Roman (or Ciceronian) nature of these values is suggested by numerous parallels in his speech to Crassus' defense of oratory in Book 1 of Cicero's *de Oratore*. The emphasis on the orator's social mobility includes a close connection to the emperor, including obtaining the quasi-official status of friendship with Caesar (*Caesaris amicitia*, 8.3).[28] He cites Vibius Crispus and Eprius Marcellus as models of oratorical success: they rose from obscurity to

12–16 and Mayer (2001) 31–44. Interpretive tendency colors summary because of the close relationship between form and content: not simply asking what speakers state, but determining the meaning and relevance of the dialogue's opening question and then deciding along the way which speaker best responds to it (i.e. which speaker best represents "Tacitus' opinion"), which itself relies on a number of hermeneutic assumptions. Rather than determine the work's aim at the outset on the basis of the opening question, I wish to infer the larger and various emphases of the work from the content of the speeches, and then to compare that content to the terms posed in the preface. The process may appear somewhat roundabout, but can better account for the overall design of the dialogue without overlooking our experiences of it as readers.

[27] Bo (1993) 319–37 lucidly details scholarship on the structure of the *Dialogus*.

[28] This entails friendship as an "associate" or (to use a modern term) "comrade" rather than necessarily a strongly affective sense. See Crook (1955) 21–30 on the historical background and meaning(s) of *amici principis*.

great power, though their use of oratory did not suit the moral tastes of all their contemporaries, as Aper notes: *neuter moribus egregius* ("neither distinguished for his character," 8.3). In response Maternus briefly analyzes Aper's speech, noting his general defense of oratory and one rhetorical tactic: Aper concedes the value of poetry to those who cannot practice oratory. This is the first of many transitional comments by the interlocutors which draw attention to the strategies and effects of the interlocutors' rhetoric.

Maternus I

Maternus sings the praises of poetry while denigrating oratory. His *eloquentia* too is effective, as he demonstrated when he broke the power of Vatinius, a *scurra* ("jester," "comedian," "rake") in the court of Nero. Through poetry fame will be his, but he prefers quietism and freedom from the quotidian worries of the forum, its crowds, distractions, and its bloodthirsty eloquence. Maternus strives after long-lasting renown, which has been found by the likes of Homer and Vergil. The emphasis on the enduring legacy of *eloquentia* shifts the discussion from Aper's immediate focus on social rewards to the longer perspectives of canonization and literary history.

The group is now joined at this point by Vipstanus Messalla, the young aristocrat who will voice (exaggeratedly) conservative views on oratory and Roman morals. His belated arrival has a pedigree in dialogue, reminiscent of Alcibiades' (far more boisterous) entrance at Agathon's home in Plato's *Symposium*, of Catulus and Caesar Strabo on the second day of Cicero's *de Oratore*, and of Lucius Furius near the beginning of Cicero's *de Republica* (1.17). Messalla remarks on the pleasure that such discussions provide and on their contribution to the formation of orators before archly chiding Aper's interest in the rhetorical exercises of the declaimers and rhetoricians. His presence and the humorous jibe trigger a second set of speeches on the question of modern (Aper) versus ancient orators (Messalla).

Aper II

Aper refuses to accept the blind assumption that the ancients undoubtedly excel the moderns and questions the meaning of the terms *novus* ("new," "unknown") and *antiquus* ("ancient," "old"). Borrowing arguments that can be traced back in part to Horace and Cicero, Aper claims that Cicero is practically a contemporary and that rhetoric has undergone a continued process of refinement and improvement. He lists out, using the reigns of

Rome's emperors as units of reckoning, the 120 years that have passed since 43 BCE, in which year Cicero was killed and Octavian (the future emperor Augustus) was named *consul suffectus*.[29] Aper carefully works through the periods and categories of Greco-Roman eloquence, revealing different models for the periodization and classification of literary history and ending his account with spirited praise for the interlocutors' rhetorical accomplishments. After the speech Maternus notes the extent to which Aper has drawn his arguments from the texts of the past and suggests that Aper has been playing the devil's advocate, arguing a position he doesn't truly espouse. Maternus then urges Messalla not to defend the ancients, since their reputation already serves them well, and instead to discuss why the moderns have fallen away from the ancients.

Messalla I

Messalla assents to Maternus' directive, but his first speech still responds briefly to Aper's arguments (25.1–26.8). He decries the effeminate and histrionic ways of the present generation and chastises Aper for mentioning no moderns who compare with great figures of the past. Maternus again presses Messalla to discuss the causes of oratory's degeneration, suggesting that he has taken offense at Aper's criticism of the ancients, which included the orator Messalla Corvinus, an ancestor of our Messalla. He in turn denies that any offense should be taken in discussions of this kind and passes to his next topic.

Messalla II

This second speech (28–35) names the pedagogical and social ills that beset the would-be orator: poor upbringing, education, and training. Along the way he provides us with a magisterial, if somewhat exaggerated and idealizing, account of Ciceronian doctrine. We find here *in nuce* the full ideal of Cicero's broadly educated orator, who is sufficiently competent in all fields so as to speak persuasively on any topic that arises. Doctrine, however, was only one element in the orator's training: Messalla criticizes the declamatory schools for their inability to provide an orator with the real-life practice that he requires. These schools exist because the *tirocinium fori* – the tradition that introduced young men to the world of the forum

[29] Strict reckoning of these 120 years would date the setting of the dialogue to 77/78 CE, though most people date the dialogue to 74/75 CE on interpretation of *sextam stationem* as "sixth year" at 17.3. See Beck (2001), Levene (2004) 172–3, and Gallia (2009) 177–8 for recent discussion; below I address at greater length the possible consequences of the dates.

by having them follow around a practiced orator – has since fallen into abeyance.[30] An unfortunate *lacuna* interrupts his speech (35/36).

Maternus II

Maternus' second speech emphasizes three main hindrances to the modern orator's success. First, present political conditions cannot produce the same caliber of orator (36.1–37.8). In terms that closely repeat Aper's opening emphasis on honors, clients, and renown, Maternus argues that the rewards for *eloquentia* are not what they were in the upheaval of the Late Republic. Second, the restrictions on forensic practice and the reduced significance of cases mean that the public world no longer fosters great eloquence, as it once did (38.1–40.1). Third, the tranquility and order of the principate offer fewer opportunities for the practice of meaningful oratory, because ultimately fame and tranquility are impossible bedfellows (40.2–41.5). The work concludes as the interlocutors embrace each other and part ways, with a promise to renew the unresolved debate at a later time.

Contexts I: The life of Cornelius Tacitus

Few Romans of talent, standing, and literary renown bridged in their lifetimes the span of three imperial dynasties. Tacitus came to the world shortly after Nero acceded to the principate, its last tenure by one of the Julio-Claudians, the original crafters of the institution that would abide in various shapes for centuries. The unsecured inheritance of the Caesars issued in the civil strife of 69 CE, a "long lone year" (*longum et unum annum*, 17.3) which "witnessed four emperors and fifteen consuls."[31] Armed conflict for the purple and prolonged uncertainty ended at last with the unchallenged recognition of Vespasian. The first of the Flavians ruled for nearly a decade (69–79 CE), his elder son Titus only briefly (79–81 CE), then Domitian, fifteen years of a *princeps* whose reign, in retrospect, the literary and historical records readily styled tyranny, at least during the final stages. In the jubilant aftermath of Domitian's assassination on 18 September 96 CE, Tacitus would soon declare relief at the prospect of freedom (*libertas*) and public safety (*securitas publica*) in a most blessed

[30] Messalla's statement (34.1–2) ironically reprises the exact language with which Tacitus had described his own attendance upon Aper and Secundus at the work's introduction (2.1). The significance of this intratext will be discussed in Chapter 2.

[31] Syme (1958) 593. Syme's *Tacitus* from 1958 remains the seminal study of the historical details. A general but detailed narrative of the period is in *CAH*[2] XI.1–83 (the Flavians) and 84–131 (Nerva and Trajan).

age (*beatissimum saeculum*).[32] Gibbon would famously heap praise on the felicity to come: "During a happy period of more than fourscore years, the public administration was conducted by the virtue and abilities of Nerva, Trajan, Hadrian, and the two Antonines."[33]

Nerva had ushered in the adoptive principate along with the new dynasty. He took as his son a provincial of Spanish extraction, Trajan, who excelled in the arts of war but fostered those of peace.[34] Trajan's accession on 28 January 98 CE inaugurated an era of military, bureaucratic, and literary achievement, as well as general prosperity across the Roman Empire. A few years later Tacitus would praise the results for men of action and letters, "... with uncommon good fortune of the times, when you may think what you wish and say what you think" (*rara temporum felicitate ubi sentire quae velis et quae sentias dicere licet*, *Hist.* 1.1).

That same work tells us that the Flavians had first accorded Tacitus public offices: "I wouldn't deny that my standing (*dignitas*) was established by Vespasian, increased by Titus, and advanced considerably by Domitian" (*dignitatem nostram a Vespasiano inchoatam, a Tito auctam, a Domitiano longius provectam non abnuerim*, *Hist.* 1.1).[35] The passive participles and the substantive *dignitas* downplay Tacitus' own involvement, as he takes distance from the Flavians, while still detailing success in the *cursus honorum* ("progression of honors"). Though of equestrian background and a *novus homo* ("new man"), whose ancestors had not been senators, Tacitus arrived at the suffect consulship in 97 CE, after the death of Domitian, but possibly at his designation.[36] That same year marked Tacitus out for oratorical

[32] *Ag.* 3.1, typically believed to have been published around 98 CE.

[33] Gibbon (2000) 9 (the opening of Chapter 1).

[34] Domitian too fostered the arts and there has been recent acknowledgment of the Flavian renaissance, but much less of the broader development of culture under the adoptive emperors. I prefer to think more in terms of the Flavio-Trajanic flourishing of oratory and rhetoric. Coleman (2000) examines the continuity of literature across the dynasties.

[35] Damon (2003) is especially instructive on the rhetoric of Tacitus' self-presentation.

[36] That is, he was not one of two *consules ordinarii*, who took office at the beginning of the year and gave their name to it. The *suffecti* took over part way through the year, which allowed a larger number of aspirants to achieve the consulship and also ensured that the emperor and his relatives or closest associates would dominate the office without monopolizing it. See Syme (1958) 59–74 for thorough discussion of Tacitus' career; Alföldy (1995) argues that *CIL* 6.1574 is a funerary inscription for Tacitus; cf. *OGIS* 487 on the proconsulship of Asia. The useful appendix in Griffin (1999) lists the careers of Tacitus and Pliny; cf. also Birley (2000) with speculation about how we might fill in the intervening years and about the date of Tacitus' death. Significant stages include (assuming Alföldy's ascription of *CIL* 6.1574): the granting of the *latus clavus* ("broad [purple] stripe"), which included the right to stand for membership in the Senate at a later time (*c.* 72 CE); (probably) a legal post as *decemvir stlitibus iudicandis* (significant for the orator and author of the *Dialogus* for its supervision of the centumviral courts; *c.* 75 CE); military tribune (*c.* 77 CE); *quaestor Augusti* (*c.* 81 CE); (possibly) tribune of the plebs (*c.* 85 CE); praetor (88 CE); a priesthood in the college of the *quindecemviri* ("fifteen men," by 88 CE); the consulship (97 CE); the proconsulship of Asia (112/13 CE).

distinction, a eulogy honoring the deceased military leader, senior statesman, and third-time consul, Verginius Rufus. Subsequent achievements in oratory included successfully prosecuting the extortionist governor of Africa, Marius Priscus. A trial before the Senate spanned 99/100 CE; leniency at the hands of the senators almost let Priscus remain at Rome, but the Senate eventually settled on banishment from Rome and Italy in addition to monetary restitution.[37] We hear little of Tacitus' forensic performances after this – Pliny remarks on his group of eager followers (*copia studiosorum*), and Tacitus, Pliny again reports, could still claim to be immediately recognizable from his writings (*ex studiis*).[38] His final known office, the proconsulship of Asia (modern Western Turkey) in 112/13 CE, was one of "the plum posts at the end of a successful senator's career."[39] Tacitus' death also cannot be known and scholars variously assign it a date before or after the accession of Hadrian in 117 CE.[40]

Contexts II: A tale of two dates

For a long time the authenticity of the *Dialogus* was questioned, though there are no adamant naysayers in recent scholarship.[41] Neither the date of composition nor of the dramatic setting is known with certainty. The *Dialogus* takes place during Tacitus' early career, in the later years of Vespasian's rule. Aper's calculation of 120 years of imperial rule since 43 BCE to the present day would indicate 77/8 CE as the date (17.3), and Maternus seconds the math (24.3). But Aper's phrase *sextam stationem* (17.3) if it has the (unprecedented) meaning "sixth year [i.e. six years]" would indicate 74/5 CE as the date of the gathering.[42] While the possible political

[37] Plin. *Ep*. 2.11 and 2.12. Cf. Juv. 1.47–50.

[38] 9.23. The phrase presumably refers to his published speeches, but need not rule out continued involvement in public oratory (the implications being, you've heard about me or read me). That Tacitus abandoned oratory around 100 CE is no more than an assumption. Cf. Goldberg (2009) 78–80. There is considerable scholarship (and speculation) on the relationship of Pliny and Tacitus, including the famous *nemora et lucos* exchange (Tac. *Dial*. 9.6, 12.1, Plin. *Ep*. 9.10.2). See the extremely useful bibliographical guidance in Gibson and Morello (2012) 304–5; on the relationship more generally: Syme (1958) 59–129; Marchesi (2008) 97–143, 237–9; Whitton (2012).

[39] *CAH*[2] XI.64 (the other being Africa). The abbreviated sketch here should be supplemented by the fuller accounts: Martin (1981) 26–38 and Birley (2000), as well Sailor (2008), a study assessing Tacitus' self-presentation, especially in the conflict between his public career and the authorial voice of *Agricola*, *Histories*, and *Annals*.

[40] Bowersock (1993) sums up the arguments against Syme's idea that Tacitus lived on into the reign of Hadrian. Birley (2000) tries to revive the idea against Bowersock (1993).

[41] Cf. Mayer (2001) 18–22 for a summary. Luce (1993a) 11–13 gives a succinct overview of many of the prolegomena and the scholarly trajectory in the issues of authenticity and dating.

[42] Cf. Mayer (2001) 142–3. Köstermann (1932) is the seminal article on the meaning of *statio*. Beck (2001) has rightly challenged the underlying assumptions that insist on "six years," but his subsequent suggestions on the basis of numerology do not persuade me. Levene (2004) 173 n. 46 argues against Beck's reading of *iam* at 17.3. The question remains open.

ramifications of the work's setting under Vespasian have been explored to good effect, and while most scholars prefer 74/5 CE, no defense of either date has yet been offered which yields greater meaning for the *Dialogus*.[43]

The date of composition by contrast does bear on attempts to place the *Dialogus* within Tacitus' own political and literary career and within the political climate of the adoptive emperors.[44] The year 102 CE has often been posited as a likely candidate because of the dedication to Fabius Iustus, a suffect consul in that year. This would place the work after *Agricola* and *Germania* but before Tacitus' longer historical works, the *Histories* and *Annals*.[45] An earlier date might appeal to those who see Tacitus as needing recourse to doublespeak so long as the political situation directly after Domitian's assassination remained unclear.[46] In this case, the *Dialogus* would predate the publication of the *Agricola*, which is typically thought to be Tacitus' first work after the demise of Domitian on account of its claim that Tacitus' enthusiasm has now returned after the long period of silence (3.1). Alternatively, the *Dialogus* could be thought to reflect disaffection under the new dynasty after the limited success in prosecuting Marius Priscus (a date in or after 100 CE).[47] Some read the first debate over oratory and poetry as Tacitus' implicit "turn towards history," an idea reinforced by Maternus' putatively "historical" discussion of decline at the work's conclusion.[48] Still others have considered the potential insult to Pliny, the proud publisher of his *actio gratiarum* ("speech of thanks"), a panegyric of the emperor Trajan that Pliny gave upon assumption of the consulship in 100 CE.[49]

[43] Ramifications: Gallia (2009). Alternatives: the later date for the dramatic setting would sharpen the topical irony in Aper's citation of Eprius Marcellus as a favorite of Vespasian, since he went down towards the end of Vespasian's reign after a botched conspiracy with Aulus Caecina Alienus. Titus had Alienus put to death; after condemnation by the Senate Eprius Marcellus cut his throat with a razor (D.C. 66.16.3). Birley (2000) speculates that Tacitus might have been away from Rome on military assignment around 77–9 CE.

[44] Edwards (2008) canvasses the possibilities and revisits the connections to Pliny's letters, whose dating is not entirely free of controversy. The article also returns to the idea that the *Dialogus* may have been revised or reissued in the 100s CE.

[45] Syme (1958) gives the seminal argument for the dating, especially the initial publication in 102 CE, with possible later revisions and recirculation. Kappelmacher (1932) also suggested 100–2 CE.

[46] Murgia (1980) (and [1985]); Barnes (1986) and Bartsch (1994) 98–125 both endorse the idea and give further arguments; Goldberg (1999) 229 n. 7 canvasses the idea, but his endorsement of it is unclear (to me at least), though perhaps implied by his rejection of the arguments for an early Trajanic date (99–101 CE) as proposed in Brink (1994).

[47] e.g. Mayer (2001).

[48] First promoted by Syme (1958).

[49] An idea largely promoted by Barnes (1986). Taking his cue from the first debate and from Syme's attempt to read Tacitus' career from the career of his works, Barnes argues that Tacitus explores which literary pursuit best fits a man under the imperial dispensation, given that oratory was no longer a feasible option. Building on this, he suggests (232–3): "that the *Dialogus* may have been

Many of these suggestions seek sense for the date of publication by recourse to Tacitus' biography, and many depend as well on assumptions about Tacitus' opinion of the state of oratory in the *Dialogus*. The circular movement between life and text brings its own problems of method, since we can find "no trace of alienation in his biography, and attempts to show otherwise rely heavily on special pleading."[50] Likewise, we cannot fill out Tacitus' intellectual trajectory, including his reactions to immediate historical topics, without a clear sense of what the *Dialogus* might be doing – and even then the task is remarkably difficult, as difficult in the case of Tacitus as for any author of literature in the Roman tradition.[51]

A more relevant but equally complicated matter lies in the relationship between the two dates and in Tacitus' choice to retroject discussion onto the grand luminaries of his youth. The setting of a conversation in an earlier age comes to us already from Plato's and Cicero's dialogues (e.g. *Phaedrus* and *de Oratore*), and the Romans possessed and cultivated an extremely complex retrospective habit. Generational interplay is evident in the *Dialogus* not only through the individuals present but also in terms of the different imperial dynasties which are represented. The setting under Vespasian partly looks back to Nero and the Julio-Claudians (e.g. Maternus' attacks on Vatinius, 11.2), but also forward to Domitian and his alleged outrages. Even if we do not sense irony in Maternus' praise of Vespasian, it is hard not to find a slight against Domitian and, beyond that, allusion to the happier dispensation under the adoptive emperors. The competing points of reference across time make it hard to pin specific ideas in the dialogue to specific emperors or periods – the atmosphere of the *Dialogus* is not timeless but neither is it anchored entirely in one immediately distinguishable context.[52] Still the work does give an archetypal sense of the broader experiences available to Roman elites such as Pliny or Tacitus.

This vertiginous shifting is no less true of the judgments and categories used to pinpoint discrete eras of oratory and rhetoric: the opening question of the work is pointedly vague about which ages are being compared to

written by a man who was seriously considering whether to seek literary renown as the writer of tragedies."

[50] Sailor (2008) 34.

[51] Goldberg (2002): "Tacitus' intellectual biography cannot be culled from a reading of the *Dialogus*" (a review of Mayer [2001]). For broader musings on this problem, see Freudenburg (2010), an insightful and sober discussion of the problems (and necessity) of biographical readings, focusing on Horace's poems and on persona theory in Roman literature.

[52] Williams (1978) 26–51 aligned Maternus' two speeches with two distinct contexts, the Vespasianic and the Nervan/Trajanic, respectively. Luce (1993a) 23 refutes his argument by pointing out that Maternus' second speech mentions documents by Licinius Mucianus, who died under Vespasian.

one another – *nostra aetas* indicates the present day, but Tacitus goes back a generation to find representatives for it, and the past ages are not made clear at all – does *priora saecula* take us to the Early Empire, the Late Republic, further back to figures such as the Gracchi and Cato, or even to the Greek canon of Athenian luminaries, figures such as Demosthenes, Aeschines, Isocrates, and Lysias?

Some years later the *Annals* will offer a different way to look back on the relationship between empire and eloquence, in the descending catalogue of the Julio-Claudians as orators. Nero gave the funeral *laudatio* upon the death of Claudius, at first to good effect, but then stirring outbursts of laughter when praising Claudius' foresight (*providentia*) and wisdom (*sapientia*). Condemnation issues from witnesses to the scene: *adnotabant seniores quibus otiosum est vetera et praesentia contendere, primum ex iis, qui rerum potiti essent, Neronem alienae facundiae eguisse* ("the elders who are at leisure to compare the past and present, remarked that Nero was the first, of those who had acquired power, to require another's eloquence," *Ann.* 13.3.2). Tacitus distances himself from the judgment by putting it in the mouths of anonymous oldsters, but still demonstrates the association of eloquence with government in the Roman mind, as well as the desire to see coherent patterns of development that can be thought of in moral terms: Nero's penchant for painting, song, and horses is subsequently made clear (13.3.3). If a main aim of oratory was the autonomy of the individual *orator*, then Nero's reliance on Seneca is deeply suspect, though of a piece with depictions of Nero's unflagging dependence on others, on his advisors, Burrus and Seneca, on his women, Agrippina and Poppaea, and lastly and fatefully on his own passions.[53]

The kernel of criticism seems to take aim at Nero's reliance on someone who cannot adequately differentiate between form and content, as when Seneca has Nero praise Claudius for qualities that were unlikely to convince. Since at least Cicero, it was orthodoxy that effective rhetoric was as much a matter of content as anything else because both the logic of an argument and its presentation contributed to a speech's quality. Cato the Elder had already given pith to the idea: *rem tene, verba sequentur* ("grasp the thing, words will follow"). Cicero elaborated the point in Book 3 of *de Oratore*, as Crassus decries the separation of words (*verba*) from content (*res*), and Quintilian would follow his lead in the *Institutio*. Seneca's

[53] We should compare *Ann.* 12.58.1, in which Nero is praised for his eloquent speech on behalf of the Ilians a year earlier as part of his pursuit of *honesta studia* ("honorable studies"). Nero, in both Latin and Greek, pleaded on behalf of numerous provinces (*Ann.* 12.58.2; Suet. *Nero* 7.2). Seneca's interventions seem to be more present to Tacitus' mind than Nero's putative failures.

failure in this regard resurfaces again in the *Annals* in the statement he has Nero issue to defend the murder of Nero's mother, Agrippina. The letter to the Senate begins well, but ends by narrating the first botched murder attempt, a staged, and horribly implausible shipwreck, which Agrippina survived (14.11). Tacitus reports the damning judgment: "Seneca faced ill report on the grounds that he had written a confession into such a speech" (*Seneca adverso rumore erat, quod oratione tali confessionem scripsisset*). It is never entirely clear whether we are meant to see Seneca as the source of Nero's ineffective speech (and hence as a failure of the imperial legacy) or as a representative of the eloquence of his day. The priority of cause and effect is uncertain: was Nero's inability to manage and to represent his political affairs part of his downfall or only a symptom of his inevitable failure?[54] In "Politics and the English Language" Orwell famously noted:

> [A]n effect can become a cause, reinforcing the original cause and producing the same effect in an intensified form, and so on indefinitely . . . It is rather the same thing that is happening to the English language. It becomes ugly and inaccurate because our thoughts are foolish, but the slovenliness of our language makes it easier for us to have foolish thoughts.[55]

Similar inquiries in the *Dialogus* about the nature of rhetorical change can be illuminated by reference to two essential contexts in the history of rhetoric and dialogue: the moral and social standing of the orator in his community and the development of declamatory and rhetorical culture in the products of literature at Rome. These two areas are closely related because both ancients and moderns commonly cite a range of vitiating influences on oratory: 1) the death of republican oratory (symbolized by Cicero) led to the aestheticized and essentially apolitical frivolity of the declamatory schools and the literary recitation; 2) the rise of the *delatores* ("prosecutors," "informants") signaled the moral decay of oratory brought about by the tyrannical oppression of the imperial dispensation. A host of historical and cultural pressures shaped the development of oratory, and it is important to remember that the *Dialogus* responds both to the more immediate imperial context and to the *longue durée* of rhetorical texts, the challengers and champions of public speech in the Greco-Roman world.

[54] Seneca was, after all, the main literary figure of the period and is notoriously absent from the *Dialogus*. Quintilian (*Inst.* 10.1.125–31) admires Seneca's great talent but deplores his faulty judgment (*ingenium* and *iudicium*: *velles eum suo ingenio dixisse, alieno iudicio*: "you'd like him to have spoken with his own talent but another man's judgment").

[55] Orwell (1954) 156–7 (originally 1946).

Contexts III: Oratory, rhetoric, and the public standing of speakers

As in many other arts, in oratory Rome took Greece as a model, at least for the texts that survive to our day. It is impossible to overestimate or to evaluate here the kinds and depth of influence from the Greek world, or to do justice to the long development of public speech at Rome.[56] For our needs the Roman statesman, Cato the Elder, emerges as the first figure of great influence.[57] He not only observed that language follows freely on the untroubled grasp of an idea (*rem tene, verba sequentur*) but also associated the good man with capable speech. His definition of "a good man skilled in speaking" (*vir bonus dicendi peritus*) became a motto of sorts for aspiring orators. Seneca the Elder happily reissued the idea at the beginning of the principate (*Con.* 1 *praef.* 9), and Quintilian eagerly adopted it for his grand treatise (*Inst.* 1 *pr.* 9; Book 12). Morality and public speech were inseparable.

In a tirade against decadent style and decadent morals, Seneca the Younger would similarly claim that "people's speech matches their life" (*talis hominibus fuit oratio qualis vita*; *Ep.* 114.1). Seneca offers a fundamentally aesthetic outlook onto moral worth. The public fashioning of character was not his invention, nor was it the idle fancy of Roman *literati*. Latin terms like *eloquentia* and *oratio* signified skilled language on display for others, designating both public practices and moral codes inherent in those practices. Ethical reflection was not simply an internalized process – virtue happened out in the world, political in the broadest sense.[58]

[56] The two magisterial tomes, Kennedy (1963) and Kennedy (1972), with the abbreviated version, Kennedy (1994), remain the point of reference for any chronological survey. Lausberg (1998) remains invaluable as a handbook of topics. Pernot (2005) accessibly examines developments in rhetoric and oratory; Habinek (2005) focuses on the main cultural themes of orators and their craft. Recent overviews of the Roman material include Clarke (1996) and Steel (2006). Recent companion surveys that overlap with the period under discussion here include Porter (1997), Dominik and Hall (2007), and Gunderson (2009); Fantham (2004) accessibly introduces Cicero's *de Oratore*. A number of collected volumes have aided the renaissance of interest in Ciceronian rhetoric in (roughly) the last two decades: May (2002), Powell and Paterson (2004), and Steel (2013). Craig's contribution in May (2002) 503–99 (and accompanying bibliography) must be singled out for its capacious overview of Ciceronian scholarship.

[57] Cicero takes him as the first major speaker (*Brut.* 61–76, esp. 61, although Cethegus is the official starting point in Cicero's history, which notes but discounts earlier figures such as Appius Claudius Caecus). Aper's précis of stylistic development at 18.2 begins with Cato and continues through G. Gracchus, Crassus, Cicero, and Messalla Corvinus.

[58] Selden (1992) 501 n. 59 for references. The connection of morals to style went back to Socrates (or was thought to at Rome). Cic. *Tusc.* 5.47 claims for Socrates that he "would explain that the speech of a man reflects the sort of man" (*disserebat . . . qualis . . . homo ipse esset, talem eius orationem esse*). The full analogy is that a man's deeds are like his words, his life like his deeds (*orationi autem facta similia, factis vitam*); cf. Dugan (2005) 129–33.

Thus the moral strain was intertwined with political self-assertion by Rome's elite. The brothers Tiberius and Gaius Gracchus were said to have first made populist rhetoric – some thought it demagoguery that aimed at tyranny – into a tool for occupying the center stage of politics at Rome. The tribunates of Tiberius (133 BCE) and his younger brother Gaius (123/2 BCE) ended in bloodshed at the hands of their senatorial brethren.[59] Political violence was hardly new at Rome, but oratory's contribution to the persistent threat and occasional outbreak of political upheaval left its mark on subsequent accounts of the Late Republic. Cicero in particular looked back through the prism of oratory to the Gracchi and also to various later stages of violent upheaval, as when Book 3 of *de Oratore* bemoans the turmoil of the late 90s and 80s BCE, which swept away many of that work's interlocutors: Crassus' conflict with Drusus and death only days after the dialogue; Antonius' head mounted on the Rostra, the speaker's podium in the Roman forum, during the Marian "purge" of 87 BCE; Catulus begging for exile but forced to take his own life; Caesar Strabo "betrayed by the wickedness of his Etruscan host" (*hospitis Etrusci scelere proditum*, 3.10); Cotta's exile and Sulpicius' death. To observers in later centuries, Cicero's mourning of these forensic luminaries and political helmsmen will have seemed ironically prophetic of his own demise. The *Philippic Orations* of 44/3 BCE against Marc Antony – brazen pasquinades of elegance and venom – brought proscription and a gruesome death, his head and hands mounted on the Rostra, a sign of revenge and a warning. Centuries later Tacitus has Maternus adduce the Gracchi and Cicero to demonstrate oratory's violent associations in the governance of Rome: "the eloquence of the Gracchi wasn't so esteemed by the Republic that it would endure their laws as well, and Cicero bought dearly the renown of his eloquence through such a death" (*nec tanti rei publicae Gracchorum eloquentia fuit, ut pateretur et leges, nec bene famam eloquentiae Cicero tali exitu pensavit*, 40.4).

That the Roman elite saw as their birthright and doggedly pursued pre-eminence in public life changed little from the Republic to the Empire, even as the forms available for self-assertion underwent considerable change with the advent of the principate.[60] A main concern of *de Oratore* is the

[59] Plutarch gives an ancient biography on the brothers; Stockton (1979) on the Gracchi including sources; Lintott (1999) on republican violence.

[60] Lintott at *CAH*² IX.65 astutely remarks about the second century BCE: "The fundamental preoccupation of the Roman nobility with fame is attested to in this century in the epitaphs of the Scipiones and the language of Roman comedy as well as in historical narratives." Cf. Wiseman (1985). For a broader historical perspective on honor (and related terms), see Lendon (1997). Syme (1958) 225: "The first and last preoccupation of an oligarchy is office, privilege, and preferment."

orator's role as the political helmsman of the *res publica*. The orator's relationship to the state would not escape the first debate of the *Dialogus*, which anchors *eloquentia* in the various public honors and individual benefits accorded to the practitioner of *eloquentia* (Aper), while also offering a credible attack on oratory's value to the Roman state (Maternus).[61] Tacitus' contemporary Pliny obsessively sought outlets in which to crown his political achievements with literary renown (*gloria*).[62]

In addition to providing avenues to a political career, rhetorical training, including broad education, guaranteed in theory the moral formation of the orator. Quintilian is our fullest witness and the most adamant exponent of Cato's combination of eloquence with morals. It was commonplace in much of scholarship of the last century to see the moral emphases in Quintilian, Tacitus, and Pliny as part of a reaction against a class of orators known as *delatores* ("bearers [of reports]," "informants," "prosecutors").[63] In addition to political and military offices, legal advocacy was a principle avenue to individual distinction at Rome. After launching himself into notoriety by prosecuting Verres, the peccant governor of Sicily, Cicero would demonstrate how far a pleader could make it, as the *novus homo* from Arpinum arrived at the consulship in his first year of eligibility. Despite many detractors both political and aesthetic, his genius in speaking became the unsurpassed prototype of the eloquent elite, iconically embodying *eloquentia* itself for speakers of the Early Empire.[64] But *delatores* in the Empire were often painted as upstart careerists who had made oratory venal, bloodthirsty, and of little purpose for the Roman state or the traditional order which monopolized oratorical achievement as the province of the elite.[65] However, recent studies on delation by Rutledge (2001) and

[61] The problem is explored in detail in Chapter 4, the theme of renown in Chapter 3.

[62] Mayer (2003) for an overview.

[63] This line of thought is prominent in Syme (1958) and forcibly presented in Winterbottom (1964), though Winterbottom (2001) should be read alongside the earlier article. Sherwin-White (1966) 93–5 is more balanced, as is Goldberg (1999). Reinhardt and Winterbottom (2006) xxxiv–xxxvii revisits Winterbottom's earlier views on delation generally, but holds onto the anti-*delator* interpretation of the *Dialogus*. See also Chapter 4. A study of the historiography of delation might help to clarify the differences of opinion and to complement the historical narrative in Rutledge (2001) and Rivière (2002).

[64] Kaster (1998) discusses Cicero as a "kitsch icon" among the declaimers in the *Suasoriae* of Seneca the Elder. Pliny will take Cicero as the model with whom he competes (*est mihi cum Cicerone aemulatio*, 1.5.12). In the Early Empire the *Dialogus* stands out as the most powerful examination of Cicero's legacy.

[65] Rutledge (2001) 6: "it has long been held that delatores established a new, more violent type of oratory in the first century. Set in their larger context, however, the style of oratory attributed to them in the first century AD differs little from that of their republican forebears." Chapter 4 discusses Aper's citation of Vibius Crispus and Eprius Marcellus.

Rivière (2002) have examined the essential role of *delatores* to Roman legal procedure, their republican predecessors, and the larger social and political networks in which these speakers moved.[66]

Contexts IV: Dialogue, declamation, decline

Dialogue

The *Dialogus* is a powerful lens through which to look back upon the dialogue tradition, the lone extant rendition of a dramatic dialogue after Cicero and before Minucius Felix's captivating Christian apology, the third century *Octavius*. Scholars have also uncovered resonances with Plato's dialogues, including the *Gorgias*, *Phaedrus*, *Protagoras*, and especially the *Symposium*.[67] However, Tacitus most of all responds to and engages with the dialogues of Cicero. The most immediate evidence is the "Ciceronian" veneer which Tacitus has put onto the dialogue by writing in Cicero's style. The style of the *Dialogus* is wholly unlike Tacitus' other works, yet it is hard to gauge the purpose of such imitation. Certainly it demonstrates that the Ciceronian style, or some slightly modernized version of it, could still be employed, but that contemporary authors and speakers preferred a different path. Most modern commentators are content with Friedrich Leo's generic explanation, that the writing of dialogue in essence required Ciceronian style because of Cicero's formative role for the genre.[68]

At the level of content and allusion, the question is quite different. From beginning to end Tacitus and his interlocutors work with, interpret, and manipulate the Ciceronian legacy to innovative ends.[69] Here Tacitus competes with Cicero in parallel and partly overlapping fields: Tacitus the orator and Tacitus the author of dialogue. Both require *eloquentia* as a means by which to pursue public distinction. Tacitus' possible assertion of

[66] Cf. also Lintott (2001). Rutledge (2001) 3: "*delatores* and *accusatores* are reflective of enduring cultural and political values in Roman society; often their actions and motives would have been perfectly understood by Cicero and his republican counterparts"; Rivière (2002) 5: "les abus provoqués par la procédure accusatoire apparaissent bien avant le règne d'Auguste" ("the abuses caused by the accusatory procedure [adversarial system] appear well before Augustus' reign"). One should consider in this light Steel (2004), a revealing article on Cicero's narrative distortions in his famous (and lone) prosecutorial speech, the accusation of Verres.

[67] Cf. Allison (1999) and Rutledge (2000).

[68] First argued by Leo (1898), reviewing Gudeman's (1894) edition. See Goldberg (1999) 224 for summary and Mayer (2001) 27–31 on the style of the *Dialogus*. Kennedy (1972) 517 sees irony behind the imitation, but his suggestion has not taken hold; cf. Mellor (1993) 18 and 170 n. 59.

[69] Again, Haß-von Reitzenstein (1970) is the seminal study, a good example of diligent *Quellenforschung*. Döpp (1986) has rightly called for a thorough reassessment of the intertextual relationship.

himself against Cicero as an oratorical luminary cannot be separated from his rivalry as an author of dialogue: Cicero already laid the foundations for such an equation through his examination of *eloquentia* as a general term to describe the products of his genius.[70]

Plato was the first to challenge seriously the moral character of the orator, most of all in the *Phaedrus* and *Gorgias*. For Plato the connection was put in epistemological terms: how can a speaker adequately substantiate the values and ideas he urges?[71] Cicero grapples at length and in various ways with the Platonic legacy, both through complex intertextual citation of Plato's dialogues and through explicit discussion of the Platonic legacy in Book 3 of *de Oratore*, in which Crassus bemoans and claims to overcome the separation of philosophy and rhetoric first introduced in the Platonic writings.[72]

These issues point to a larger problem in the moral status of the orator. Plato had connected questions of virtue to problems of knowledge and of the verification of a speaker's assertions. But the Roman tradition shrugged off Plato's interventions against the rhetoric of plausibility. *De Oratore* overcomes the problem by making *prudentia* ("practical wisdom") and *probitas* ("uprightness," "probity") requirements for the *orator*, who will otherwise be no more than an armed madman (3.55). But Cicero's requirements are still fundamentally different from Plato's stricter epistemological prerequisites. Quintilian's reluctant candor yields a rare truth about Roman attitudes to lying: you may deceive others in the service of noble ends. Even Quintilian grudgingly allows, but does not recommend, the orator some indulgence in fabrication and dishonesty when greater circumstances require it.[73] In the Roman rhetorical tradition strict adherence to truth is hardly the main indicator of moral probity. To be genuine is to create an effect in the world, not to verify or have verified a given effect or statement through external, objective criteria. This appeal to authenticity also helped the orator escape the ethical problem of rhetoric's potential for abuse and deception: the implication is that one cannot mislead others if one believes in what one says.

[70] Narducci (1997) and Dugan (2005) give a general overview for the rhetorical works; Stroup (2010) 237–68 on the personification of *Eloquentia* in the *Brutus*.

[71] Kennedy (1994) 35–43 on the *Gorgias* and *Phaedrus*; also summarized at Fantham (2004) 56–71 in reference to *de Oratore* and the Roman tradition. Cf. Yunis (2011) on the *Phaedrus* (with commentary for readers of Greek).

[72] The best discussions of Cicero's grappling with Plato and Greek culture more generally are: Zoll (1962), Leeman (1975), Görler (1988), Schütrumpf (1988), MacKendrick (1989) 42, Gaines (1995), May and Wisse (2001) 20–7, Zetzel (2003), Mankin (2011) 9–19, Stull (2011); cf. also LPW *passim*, Gruen (1990) 158–92 more broadly.

[73] Cf. *Inst.* 2.17.20–3, 12.1.34–40.

Just as Tacitus draws on traditional topics of dialogue, so he employs standard terminology for the discussions, *sermo* and *disputatio*. The former refers less technically to the "talking" that goes on in a dialogue, the latter more formally to the debates themselves. Both could also indicate a philosophical discussion, that is, a collection of "talkings" or "disputations."[74] The vocabulary, familiar from Cicero's dialogues, designates in particular the debate of the philosophical works and their reliance on Academic Skepticism, which licensed the ability to argue against any position, and Peripatetic argument for and against both sides of any issue. The preface's mention of speeches for and against different issues draws on the habit of arguing both sides of an issue (*in utramque partem*), much as the description of all the work's speeches as *probabiles* indicates open-ended inquiry.[75] Now Tacitus not only employs the traditional categories to define dialogue but also crafts the speeches under the noticeable influence of declamation, and in this regard we can see the distance between his version of dialogue and Cicero's.[76]

[74] *OLD sermo* 3a "conversation, dialogue" and 3b "a discussion on a literary, philosophic, scientific, etc., topic; a literary work cast in the form of such a discussion, a dialogue." *OLD disputatio* 1b "a dissertation in the form of a debate" and Cicero's description of *de Oratore* at *Fam*. 1.9.23 (Dec. 54 BCE): *scripsi igitur Aristotelio more tres libros in disputatione ac dialogo 'de oratore'* ("and so I've written three books "Concerning the Orator" on Aristotle's model in the form of debate and dialogue"). Tacitus at *Dial*. 1.2 calls the discussion he will recount to Fabius Iustus first *sermo* and then *disputatio* (cf. 27.2, where Messalla uses *disputatio* to refer to Aper's second speech). For further discussion of *sermo* see LPW 1.60 on the distinction *contentio-sermo* and 70 on *sermo* in *de Oratore*; Barwick (1963) 28–31; Zoll (1962) 105–24; on generic self-identification in Cicero's dialogues (focusing on *Tusculan Disputations*) see Gildenhard (2007) 1–88, esp. 1–34 and 63–5. Mankin (2011) 19–23 has excellent overview of terminology and conventional language as well as references to secondary literature.

[75] Cf. *de Orat*. 3.62 and 3.67–71. Cicero discusses the "Old" Academy (the immediate followers of Plato such as Aristotle, the "dogmatists" who believed that some knowledge could be ascertained) and the "New" Academy (beginning with Arcesilas, the "skeptics" who withheld ultimate judgment). The New Academy also allows for the presentation of defensible positions; cf. Cic. *Off*. 3.20: *nobis autem nostra Academia magnam licentiam dat, ut, quodcumque maxime probabile occurrat, id nostro iure liceat defendere* ("However our [i.e The New] Academy gives ample latitude to defend by right whatever position seems most probable"). Both Goldberg (1999) and Levene (2004) emphasize the importance of Academic Skepticism as part of the cultural background of the *Dialogus*. *Probabilis* is connected to *epochê*, the withholding of opinion, and it is precisely the tenure of opinion on the part of the author which is left open in using the term. Luce (1993a) took Tacitus' use of *probabilis* to mean that a reader would judge the speeches together, as one would a single forensic speech, in order to reconstruct Tacitus' opinion. Readers do assess the arguments for their probative value, but, as Chapter 2 will argue, that is only one element in piecing together the larger meaning imparted by the dialogue.

[76] Luce (1993a) and Lier (1996) stress the connection. Apart from the obvious fact that the speeches are paired and offer a very distinct take on the issue under discussion, many of them "declare" the topic in the first sentence or begin with a marked reference to rhetoric and its conventions. Aper's first speech is carefully crafted around the main argumentative aims (*fines*) of the deliberative genre (beginning by reference to *utilitas* at 5.5); Maternus begins his by comparing orator and poet (11.2); Aper's second speech inquires into the difference between *antiqui* and *novi* (16.4); Messalla's second

Declamation

Although declamation at Rome was already well-established in Cicero's day, the literary record does not deliver full details until the reigns of Augustus and Tiberius, with the work of Seneca the Elder. His ten books of *Controversiae* ("Disputes") and a book with seven *Suasoriae* ("Persuasions") collect snippets of the great (and notorious) performances from the Early Empire. Younger students would begin with the *suasoriae*, deliberative speeches addressing grand figures of the Greco-Roman past, such as Cicero or Alexander the Great, who require advice on political matters, usually a crisis. Next followed the *controversiae*; these mock court cases required the student to muster argumentative strategies as he worked through elaborate, sometimes labyrinthine, legal situations (not unlike exams in modern law schools). In Seneca the Elder we find experienced speakers giving public performances. Declamation had established itself not only as a forensic training ground for the budding orator, but also as a competitive arena for the display and evaluation of Roman aesthetic and social values.[77]

The other major declamatory corpus was once thought to belong to Quintilian, though the writings are now regarded as belonging to one of his protégés or later aficionados of his doctrine. In addition to the shorter fragments of the Minor Declamations, the nineteen Major Declamations, masterful renditions of mock court speeches covering everything from apicide to incest to witchcraft, have at last attracted scholarly notice. While the newfound interest in declamation has emphasized its social relevance, a second concomitant wave has emphasized declamation as a literary form in its own right in addition to its being an acculturative and forensic exercise.[78] Thus, further reason exists to value the connection of the *Dialogus* to declamation, as it can partly account for the literariness of the dialogue.

The possible tension between the literary value of declamation and its acculturative force can be read in a comment by Aper: like Messalla in his

speech begins with a rhetorical question (28.2). Lier (1996) 60 notes that all the speeches have declamatory character: "Es spricht vieles dafür, daß alle vorgetragenen Reden deklamatorischen Charakter haben." Winterbottom (2001) 139 compares the speeches to the *progymnasmata* and Quintilian's distinction (2.4.24) of a general topic (*thesis*) from a specific topic (*hypothesis*). The *Dialogus* handles specific topics, not the abstractions of (some) philosophical or declamatory subjects. See now also Reinhardt and Winterbottom (2006), a capacious commentary on education and training in Quintilian.

77 Seneca the Elder is well served by Sussman (1978), Fairweather (1981) and (1984), Berti (2007), and Feddern (2013). Bonner (1949) is a good overview of Roman declamation, though an updated general overview is needed. Roller (1997) and Kaster (1998) include succinct overviews of declamatory practice. Gunderson (2003) 5–9 reviews the disparagement of declamation that dominated the scholarship until recently.

78 Social aspects: Bloomer (1997b); literary: Gunderson (2003) and van Mal-Maeder (2007).

later complaints, and like Cicero already in the *Tusculan Disputations*, Aper seeks to impress upon Maternus the need to consider the "controversies of our age" (*saeculi nostri controversias*, 10.8), language which recalls the mock-forensic *controversiae* as it insists upon the need to use *eloquentia* in the service of topical matters. A rich irony may underlie Aper's railing against Maternus' ventriloquism of mythical figures: "What good does it do if your Agamemnon or Jason speaks fluently?" (*cui bono est, si apud te Agamemnon aut Iason diserte loquitur?*, 9.2). The criticism could just as easily be leveled at the mythical *exempla* so common to some declamatory themes. Aper's call for restraint can be read as part of the work's larger service to the dual aims of pleasure and utility,[79] itself an essential tension in definitions of literature and in particular of the earliest discussions of declamation. Declamation educated the youth and entertained the old.[80]

Within the significant context of declamation we can begin to understand one of the major problems in interpretation: how the characters are presented, and to what extent we identify with them or their positions, that is, character-based readings of the *Dialogus*. How do a speaker's statements elicit such broadly ranging reactions, and what are the pitfalls in identifying with the surface statements of any of the work's speakers? It would be an easy theoretical reflex to reject character-based readings – the protagonist of a modern novel is not its author; Vergil cannot be identified with the hero of his *Aeneid*, etc. Whatever the shortcomings in such readings, their guiding tendency has a place in the culture of declamation.

Socially, declamation was one of the key elements of acculturation among the Roman elite. It allowed individuals to assume an alien identity or mask (*persona*) and to probe various moral and legal scenarios. The interlocutors' accusations that Aper presents views that he does not hold, though never confirmed by Aper, clearly signal this aspect of the work. The declamatory

[79] Hömke (2002) 63–4 thinks that Aper approves of modern declamatory training but opposes extravagant topics. Messalla's interjection at 14.3 emphasizes usefulness and pleasure (see Chapter 2 on Messalla's criticism of declamation). Cf. *HWRh* "utile."

[80] Compare Horace's defense of poetry in *Ep.* 2.1.118–38. In examining different facets of declamation across Cicero's texts Hömke (2002) 16 remarks: "Solche Stellen bezeugen nicht nur die frühe Popularität des Deklamierens, sondern auch ein frühes Stadium der Differenzierung der Deklamation in mehrere, funktional verschiedene Unterformen. Bei Cicero lassen sich zwei Anwendungsbereiche der Deklamation erkennen: zu Ausbildungszwecken in der Jugend und zur Unterhaltung im Alter. Offenbar hat die Deklamation hier den wegweisenden Schritt aus der Geschlossenheit des Unterrichtstraumes in die Sphäre gebildeter Unterhaltung bereits vollzogen." ("Such passages attest not only to the early popularity of declamation, but also to an early stage in the separation of declamation into multiple, functionally distinct subforms. Two areas of application can be discerned in Cicero: education in youth and entertainment in old age. Apparently here declamation has already taken the pioneering step from the enclosure of the schoolroom into the sphere of learned entertainment.")

element, in turn, lent itself to character-identification. As the text has us consider the arguments, it also invites us to identify with the statements of the speakers and to some extent with the speakers themselves. The *Dialogus* plays on this common process of identification in the description of Maternus, who in his literary recitations becomes Cato (2.1), as if the assumption of an identity from an exemplary tradition were a means by which literature could engage with history. As Maternus becomes Cato so we too become Maternus or Aper or Messalla.

Thus, individual speakers partly embody political or moral dispositions as well as logical or exemplary types (Messalla defends the past as Aper defends the present; Maternus craves an altogether different *eloquentia*). The appeal lies in the false transparency with which they lure us into their world and invite us to identify with them. This process of identification may well explain the arresting power of the *Dialogus* to challenge, yet still produce such tendentious responses on the part of its readers. Readers make the identity of an interlocutor their own as they evaluate the arguments and points of view offered by that persona. At the same time interpretation of the *Dialogus* needs to distinguish our manufactured sympathies with individual speakers from our reading of the larger structures of the work. We are also like Secundus or Tacitus, the patient and mute recorder, judging the event as silent partners, but with an active engagement in assessing the speeches. The tendency to identify with the positions of a single speaker (or to make Tacitus his ally) relies on a kind of "synechdochic fallacy", in which we take one character to represent the entire mindset of an author.[81] Critics in this vein have often looked for inconsistencies or errors in these characters with the assumption that Tacitus portrays these figures in such a way that he expects us to find fault with a given speaker, thereby revealing his own authorial positions or attitudes towards a character or line of argument. Practical problems more than anything else demonstrate the limits of this style of analysis: in the *Dialogus* every character indulges in exaggeration or self-contradiction. To reject characters wholesale for their flaws would leave us with a congeries of fine speeches and no dialogue to speak of.

Undoubtedly, the assumption of different public faces formed an essential part of Roman rhetorical culture. Quintilian discusses the rhetorical technique of *prosopopoeia* ("personification") within his larger definition of deliberative oratory (3.8). *Suasoriae* were an essential part of providing

[81] Fitzgerald (1995) traces the dangers of "aesthetic positionality," our susceptibility to identification with a given *persona*. His remarks on the problem in Roman lyric can be profitably applied to the study of *personae* in dialogue.

advice to others and of weighing various moral dilemmas. Personification falls under the *suasoria* because of the frequency with which a *suasoria* requires one to adopt an alien persona (3.8.49–54). Nonetheless, orators also vigilantly monitored their public face, as Marcus Antonius tells us in *de Oratore*. In his introduction to the topic of emotions (2.185–96), Antonius says that an orator must be able to feel emotions genuinely when arousing them in an audience.[82] In a lengthy analogy he notes how a poet like Pacuvius must be able first to feel the emotions about which he writes if he expects an actor to communicate them to an audience. Antonius treads carefully between his involvement in emotions and his ability to guide emotional experience. Hence he compares the orator to the poet, but not to the actor, since the actor has his emotional experiences scripted for him by someone else.[83] As an orator Antonius takes care to be "not the actor of another's role but the author of my own" (*neque actor . . . alienae personae, sed auctor meae* 2.194). The key element is the use of *eloquentia* for the retention and reinforcement of one's own unique identity while on display for others. This can help explain the criticism leveled at Maternus, who is said to have lost his identity in (the) Cato: *tamquam in eo tragoediae argumento sui oblitus tantum Catonem cogitasset* ("on the grounds that in the subject of that play he had forgotten himself and thought only of Cato," 2.1). When questioned about his works, Maternus responded:

> leges . . . quid Maternus sibi debuerit, et adgnosces quae audisti. quod si qua omisit Cato, sequenti recitatione Thyestes dicet; hanc enim tragoediam disposui iam et intra me ipse formavi. atque ideo maturare libri huius editionem festino, ut dimissa priore cura novae cogitationi toto pectore incumbam.
>
> You'll read what Maternus owes himself and you'll recognize what you've heard. But if (the) Cato missed something, (the) Thyestes will say it in the following recitation. You see I've already set out this tragedy and given it shape inside myself. And that's why I'm rushing to get this book out, so that with the first work completed I can wholeheartedly apply myself to new considerations. (3.3)

We can hardly untangle Maternus from his creations, as statements are said to issue from either the protagonists or the eponymous plays, hence the

[82] On the realness of self-imposed emotions, cf. Eagleton (2012) 122: "Pretending is not necessarily doing something without really feeling it. It might improve a show of sorrow if you can manage to work up a spot of genuine anguish."

[83] Cicero draws as well on the cultural potency of the actor's servile status. See Edwards (1993) 98–136. Three notable recent books have chapters devoted to the orator and theatricality: Gunderson (2000) 111–48, Dugan (2005) 75–171, and Connolly (2007) 198–236, esp. 202–3.

parenthetical "(the)" before titles in my translation. Maternus' references to himself in the third person remove the distinction of player from poet (*actor* from *auctor* in Antonius' terms). Maternus' devotion to his new considerations (*novae cogitationi*) alludes back to the unidentified criticism of his absorption into Cato (*tantum Catonem cogitasset*). Maternus loses his autonomy as he becomes just another character in a series of historical tragedies. The *Dialogus* makes the reader acutely aware of the different possibilities for scripting public faces, for the ways in which both author and audience must identify and yet maintain distance from a given *persona*. This intellectual exercise allows the orator to evaluate a series of character types and ethical stances, an essential part of the public role that practitioners of *eloquentia* must assume, be it among friends and political opponents, or in the forensic world and before the emperor. The culture of Roman declamation served a valuable if potentially homogenizing pedagogical function. The *Dialogus*, however, presses Roman literary culture into the service of public engagement, exposing how the various perspectives and character types within the work might also function in the public world – how might a Maternus or Aper deal with the powerful and how, as individuals of talent and distinction, might they reflect on the workings of power in the imperial dispensation?

Lastly, declamation was essential in forming the logical habits of its students, an aspect which can hardly be emphasized too greatly because it was in the declaimers' halls as much as in the philosophers' books that young men learned to assess, weigh, and reason their way through the intricate logical scenarios of fictional legal cases in order then to handle the arguments of real ones. Declamation gave students much-needed practical training in *status* theory, which helped determine the larger framing of a case based on already established evidence.[84] In addition, declamation provided practice in working through the various arguments or other essential means of persuasion, including the appeal to character and emotion, which were the basis of the advocate's art. Such training was essential to the orator's formation and provided a kind of universal training for elites throughout the Empire. Members of the Roman elite possessed a remarkable facility (and apparently took great pleasure) in the construction, adornment, and retention of rhetorical arguments. In this respect declamation, in conjunction

[84] Bonner (1949) 1–26 provides an excellent overview of the development of argumentation in declamatory and rhetorical training and succinct details of the theory of *status* (Gr. *stasis*), developed by Hermagoras and adopted in simplified versions by Roman writers. The determination of *status* (the "set-up" or "stand" of the case) was mostly applicable to forensic oratory (rather than deliberative or epideictic).

with court practice, made orators particularly acute observers and producers of argument, a point worth bearing in mind when working through the rhetorical and logical complexities of the *Dialogus*. A major intellectual feature of the work is its ability to survey various types of argument while adding a unique construction and logic to material inherited from rhetorical (and literary) texts in a way that must have greatly appealed to the sensitive and intelligent crafter of argument. It is also true that declamation could turn into an end in itself and thus be criticized as an art form with no connection to the real world, and for this reason declamation is inseparable from the discourse of decline in the imperial era.

Decline

The decline of oratory will provide a final essential context that leads us back to the opening of the *Dialogus*. Statements about the decline of public speaking were a commonplace in the literature of the Empire, though their reflection of historical reality still troubles the scholarship. The works of Seneca the Elder, Velleius Paterculus, Petronius, and Seneca voice criticisms of oratory, often with assertions about the vitiating influence of declamation. Similar remarks can be found in Tacitus' contemporaries, Quintilian and Pliny.[85] The larger *topos* of decline had a venerable history in other areas of literature, especially in poetry.[86] Thus Maternus, speaking like a poet (*ut more nostro loquar*, 12.3), refers back to a happy Golden Age (*felix illud et . . . aureum saeculum*, 12.3).[87]

Decline was not readily accepted by all. The opening of Petronius' *Satyricon* playfully illuminates the workings of the *topos* in a rhetorical

[85] Sen. *Con*. 1 *praef*. 6–10, Vell. 1.16–18 (and cf. 1.13, 2.9–10, 2.36); Petr.1–5, 88, 118; Plin. *Nat*. 14.1–7; Sen. *Ep*. 90, 114 (Maecenas); Quint. *Inst*. 2.10 (on declamation) and *passim*; 10.1.80 (decline in Greek rhetoric with the example of Demetrius of Phaleron); Plin. *Ep*. 2.14 (centumviral courts). For Greek authors consider Pseudo-Longinus, *de Sublimitate* 44; Luc. *Sat*. 20. Williams (1978) 26–51 has been among the most influential exponents of the decline of oratory and especially the *Dialogus*' central role as a document in the debate. Heldmann (1982) is the classic study, to be read with Heldmann (1980).

[86] Prose authors, especially historians, repeatedly entertain the idea: the early annalist Calpurnius Piso lists 154 BCE as the date at which Rome's purity was uprooted: *a quo tempore pudicitiam subversam*. Cf. Sal. *Cat*. 1.1–13; Cic. *Tusc*. 2.5, *Off*. 2.67–8; imperial prose authors include: Livy, 1 *praef*. 1.1–13; Tacitus, *Ann*. 4.34–5; *Hist*. 1.1–1.3; Pliny, *Nat*. 14.1–7. This does not mean we can take these statements at face value; cf. the illuminating discussion of Tacitus' self-evaluation in Marincola (1999).

[87] Examples of the "poetic" version of the *topos*, the (lost) Golden Age, are legion, and go back at least to Hes. *Op*. 106–201. A select list of conspicuous examples of the Golden Age *topos* or general appeals to decline in Roman poetry might include: Enn. *Euhemerus* fr. 9 Vahlen; Ter. *Ad*. 302–7 (cf. Cic. *Cat*. 1); Cat. 64.382–408; Verg. *Ecl*. 4, *A*. 6.791–800, 8.319–27, *G*. 2.458–540; Ov. *Met*. 1.89–243; Hor. *Epod*. 16, *Carm*. 2.15, 3.6, 4.15; Calp. *Ecl*. 1.33–88; Luc. 1.61–2; V. Fl. 1.555–67; Sil. 3.622–4; Juv. 6.1–24, 286–313.

context.[88] Writing under Nero, Petronius parodies declamatory decline through the speeches of Encolpius and Agamemnon (*Satyrica* 1–5).[89] At the opening of the work Encolpius, protagonist and narrator, decries the decay of modern declamation: its silly themes, its effeminacy (enervating the body), its lack of connection to reality, and its propensity for the bulging Asian style. The complaints are well known, even hackneyed, but Encolpius also later remarks that he was not allowed to declaim (*declamare*, 3) as long as he wanted – Encolpius' rant was itself a declamatory performance, and Agamemnon, who teaches declamation, does not take offense, but instead compliments Encolpius. The classification of the speech as declamation and the subsequent praise of it suggest that criticism of declamation was itself one of the genre's features, part of the game of understanding what declamation was about. In response, Agamemnon provides a traditional outline of rhetorical training, though he does cite the vitiating influence of parents who push their students too quickly through the stages of rhetorical preparation. Agamemnon espouses an approach to declamation that is more pragmatic than the exaggerated criticisms and ideals spouted by Encolpius.[90] The dynamic between the two characters matches the tendencies we find in numerous discussions of declamation and oratory: a series of ideals is presented along with complaints about decline, but, in the course of criticism, eloquence is masterfully put on display for the reader, impressing upon the audience the author's own command of rhetorical standards, thereby suggesting or overtly claiming that eloquence still has a future, under the conditions outlined by the author.[91] The larger tendency can be brought into line with the repeated insistence in many texts that rhetoric ought to hide its own artistry. Authorities on declamation hide their theorizing by incorporating their principles into a criticism of the art.

Understanding this literary device can help us understand more generally the role of declamation in the *Dialogus*. The Petronian model reminds us that, however much Tacitus' recourse to decline in a dialogue was unique, an imperial audience might well be on its guard against the surface simplicity of his appeal. To begin with criticism as the starting point

[88] See Schmeling and Setaioli (2011) for commentary. The reading here follows Kennedy (1978) and Gunderson (2003) 9–12. See Kennedy (1978) and Shmeling (2011) for the considerable bibliography on the passage, especially the interest in the "Atticism/Asianism" debate to which Petronius has the speakers allude.

[89] Cf. Bonner (1949) 76–7.

[90] Kennedy (1978).

[91] The dynamic can well describe both Seneca the Elder and Quintilian. In Chapter 2 I argue that this scheme also fits the image of declamation and rhetorical training that emerges in the course of Messalla's second speech, which roundly criticizes contemporary oratorical preparation.

for a rhetorical dialogue may be Tacitus's innovation, but the model for that ingenuity exists in the larger literary milieu on which he drew.[92] The same observation can be made when considering the Roman satirists, especially Persius and Juvenal, who, like the declaimers, assumed *personae* in order to fashion sophisticated literary works from rhetorical set-pieces.[93] The shared reliance on rhetorical set-pieces makes for a useful comparison in part because Juvenal is a contemporary of Tacitus; thus, the techniques which Tacitus employs are readily available in the literature of his own day: Satire draws heavily on declamation and rhetorical culture as an artistic device even as it criticizes oratory and rhetorical education,[94] providing a contemporary analog for the literary framework which Tacitus establishes for the *Dialogus*. Like Cicero 150 years earlier, Tacitus worked within a sophisticated and rich network of cultural and literary models.

Coda: The *Dialogus*' value for understanding Tacitus and his world

A subsidiary, if largely implicit, concern of the present study is to offer new perspectives on the *Dialogus* that can in turn offer some purchase on Tacitus' historical works (and those of his rhetorically minded contemporaries, such as Quintilian, Pliny, Suetonius, or Fronto). The rich and often conflicting representations of *eloquentia* in the *Dialogus* detail different possible connections with Tacitus' historiographical *oeuvre*. At one level there are questions of technique that can be gleaned from reading the *Dialogus*: its consideration of style, employment of rhetorical strategies and intertextuality, and the interaction of narrative and speech. Aper, for example, delivers a powerful defense of the modern style, a style which, as has long been noted, accords in many respects with the writings of Tacitus and his contemporaries (brevity, the use of *sententiae*, or poetic language). In the broader picture the *Dialogus* requires the reader to arbitrate between different convincing viewpoints and to judge them in light of the themes and narrative of the work as a whole. This interpretive procedure can, and

[92] An implicit consequence is that, as our understanding of declamation and its relationship to other genres develops, we may better understand the *Dialogus*.

[93] See Braund (1996b) and (2004a) for a discussion of *personae* in Juvenal and the rhetorical devices of the Satirists. On the significance of rhetoric and *persona* theory, see especially Kenney (1963), Anderson (1982), Braund (1988) and (1992); Freudenburg (2005) 28–30 urges new directions in the study of *personae*.

[94] To take one example, Juvenal 6 abounds in the criticism of oratory, even as the satirist uses rhetorical *personae* to undercut the speaker of the poem, thus allowing different messages to emerge; see Braund (1992).

has been, fruitfully applied to readings of Tacitus' other works.[95] A better sense of the rhetorical and literary design of the *Dialogus* will help us to understand his authorial techniques more generally.

Appreciation of the formal aspects, however, cannot be divorced from the attitudes perceived to be behind them. As the next chapter will explore in detail, a main assumption of this book is that "the decline of oratory" is an insufficient criterion by which to judge the work's message. The *Dialogus* is not the sad tale of a once famous and now fallen institution. To return to the *Dialogus*' discussion of style, it remains one of the great and seemingly inexplicable paradoxes that Aper so powerfully defends the stylistic virtues which Tacitus embraced elsewhere, if at the same time we are meant to believe that Tacitus bemoans the fate of oratory and rejects Aper's positions along the way.[96]

By resisting the assumption that the *Dialogus* thoroughly rejects contemporary oratory we can thereby win a more inclusive sense of the potential for rhetoric to occupy a meaningful place in the world: good men could use it to good effect, while the perils of its abuse weighed no more on the present than on the past. Greater flexibility can in turn assist with understanding the documentation of speeches and speakers in Tacitus' other works, such as the representation of deliberative and judicial speech in the senatorial debates and trials in the *Annals*, or the speeches of the *Histories*.[97] At the broadest level the *Dialogus*, as a powerful meditation on rhetorical and literary history in the Empire, documents the social and aesthetic implications of *eloquentia*. In this regard a main aim of the present work is to recover the *Dialogus* as a new source for rhetoric's potential as an effective means of public engagement in the imperial dispensation.

In the present age of fading canons and rising stars, it is not simply a rediscovered sense of newness alone that could make the *Dialogus* command

[95] For studies of rhetorical presentation more generally in Tacitus, see Aubrion (1985), Devillers (1994), and, more recently, the wide-ranging articles in the special issue of *Arethusa*, Ash and Malamud (2006), with bibliography. On Tacitus' intertextual citation of imperial poets, see now Joseph (2012).

[96] Bo (1993) 341, Dominik (1997b), and (2007) on Tacitus' style and Aper's arguments. It could be argued that Tacitus rejects oratory and embraces history; this has been the usual exit from the paradox. There are reasons to be wary of the explanation: Tacitus remained active as an oratorical role model, so what was he turning his back on? Furthermore, the ancient connection between rhetoric and historiography would seem to suggest an affinity between rhetorical values in the *Dialogus* and rhetorical practice in Tacitus' historical writings. Lastly, the following chapters will also argue that Tacitus promotes *eloquentia* as a transgeneric value, and while one could recognize the differences between poetry, history, or oratory, the *Dialogus* ultimately examines and promotes the more capacious ideal of *eloquentia*.

[97] For the *Histories* see Levene (1999) and (2009); on deliberative in the *Dialogus* and *Annals* see van den Berg (2012).

our attention, however defensibly modern scholarship has pushed non-traditional texts into the canon. The discovery or resuscitation of those texts that have fallen out of the canon or simply gazed in at hallowed peers from the periphery reminds us that we dress the scales for cultural objects with an eye to quality as much as to the weight of tradition.

Quality of course is a term fraught with all measure of social and critical-historical preconceptions. A key element in the canon-busting of the 1980s and the culture wars of the 1990s was, doubtless, as much about a broader or narrower conception of contemporary society and of the rights to be accorded to diverse perspectives as it was about the qualitative possibilities of individual texts. The New Historicism's flattening out of aesthetic criteria for the raw material of texts that demand attention largely promoted a utilitarian ideal: texts are useful for what they reveal about the world and hence about the human agents who inhabit it. If we are to take seriously the hold that evaluation has on the definition and appraisal of literature and the emphases we lay upon certain texts over others, then a work that can reveal in practical terms the workings of its tradition and of its times ought to captivate us at least as much as those that have and will continue to do so; after all, quality and utility need not exclude one another as analytic categories. The *Dialogus* tirelessly documents its world and those of Roman rhetoric and dialogue. That it does so in a manner unsurpassed by the co-inhabitants of its traditions is an implicit claim that I have endeavored to bring out in the pages that follow.

CHAPTER 2

Interpretations

Problems and assumptions

The rich variety of positions advanced in the *Dialogus* is a main reason for its great appeal and an inevitable source of frustration for its modern readers. Even after careful scrutiny most readers are likely find themselves asking "what does the *Dialogus* mean?" The following chapter addresses this question by looking at its underlying assumptions, because, I argue, our approaches to the *Dialogus* must be altered in order to account for the peculiar nature of the work and in order to appreciate the sophistication and depth of its arguments. The present chapter aims to outline the interpretive frameworks commonly set up for analyzing the work, rather than to challenge specific readings or to offer alternative ones, which are the subject of later chapters. The guiding question in what follows is whether we should treat dialogue as a piece of rhetoric with a persuasive aim or as a piece of literature which proposes and explores complex issues, even if that exploration does not always lead to conclusive answers. This direction is necessary because "reading for persuasion" still dominates the secondary literature, and its consequences cannot be boiled down to a difference of opinion about one or another interpretation of an otherwise transparent text.

Two main criteria of analysis have guided nearly all interpretation to date: first, that a speaker presents arguments whose surface content should be accepted or rejected based on an assumed correspondence with the author's point of view (characters "express" Tacitus' opinion[1]); second, that a speech, even when expressing a difference of opinion with another speech, is essentially a self-contained statement whose validity and meaning depends on

[1] This statement applies no less to those who have argued that Aper plays devil's advocate or that Maternus is ironic or engaging in doublespeak: in these special instances of interpretation we are meant to understand that the author assents to the opposite of what the speaker states: i.e. Aper (and Tacitus) do not believe in modern oratory; Maternus (and Tacitus) do not believe Vespasian (or the principate) praiseworthy.

the persuasive force of that statement on its own terms. Understanding the consequences for interpretation of these underlying assumptions will explain why current critical methods seem to generate the same difficulties and disagreement. At the same time, it is impossible to resolve all problems in a single stroke; the interpretive difficulties in the *Dialogus* and in our attempts to solve them are woven together so tightly that it can be hard to unravel the single strands without seeming to ruin the basic fabric of Tacitus' text and our methods. Consequently, this chapter (and those that follow) will address a number of distinct yet interdependent assumptions and conflicts at different stages. The immediate difficulties involve two interrelated issues: 1) our sense of the dialogue's coherent purpose; does it argue for or against the decline of oratory, and do its speeches adequately demonstrate one of the competing theses? 2) how do we react to the notable parallels and notorious inconsistencies within and across the statements of all the interlocutors?

Despite advances in the rhetorical and literary appreciation of ancient dialogues, the *Dialogus* continues to be the most perplexing of the extant Roman dialogues, and quite possibly, of the entire Greco-Roman tradition.[2] Oddly, the difficulties stem neither from obscurities of subject matter and presentation nor from any anomalism vis-à-vis the norms of the genre. Six compelling speeches lucidly detail the value, history, and development of *eloquentia* ("skilled speech") from the perspective of the late first and early second centuries CE. They provide convincing and sophisticated accounts of rhetoric and its evolution: the social and political efficacy of *eloquentia* (Marcus Aper's and Maternus' prescriptions on how best to assert oneself with and against the powerful, and the famous yet notoriously tumultuous oratory of the Late Republic); evaluative categories for rhetoric, including the competing discourses that prized renown and canonical status (Vipstanus Messalla's praise of the ancients) or external and absolute aesthetic criteria; and lastly, exemplary instances (e.g. past luminaries) or suitable models for imitation (ancient and modern orators and poets). The richness of these diverse emphases, along with the complex and ambiguous reworking of literary forerunners, not to mention the open-endedness at the work's conclusion, all conspire against the expectation of a uniform message.

The pitfalls lie less in having to choose between so many persuasive points of view than in the repercussions of favoring one or another in

[2] Barnes (1986) 225: "the most problematical of Tacitus' works." Köves-Zulauf (1992) 341 speaks of its fundamentally puzzling nature: "originäre Rätselhaftigkeit der Schrift."

search of the dialogue's main point. Instinct prompts many readers to look to the opening question of the work's addressee, Fabius Iustus, which many have read as Tacitus' masked avowal of oratory's decline:

> Saepe ex me requiris, Iuste Fabi, cur cum priora saecula tot eminentium oratorum ingeniis gloriaque floruerint, nostra potissimum aetas deserta et laude eloquentiae orbata vix nomen oratoris retineat.
>
> Repeatedly, Fabius Iustus, you ask me why, whereas earlier generations flourished in the glory and talents of so many distinguished orators, our age above all, barren and bereft of the eminence of eloquence, hardly preserves the distinction "orator." (1.1)

The ensuing speeches, on this account, should take that inquiry as their guide. Yet recent challenges to the once unshakeable assumption of decline have shifted attention and criticism onto the guiding assumption that the dialogue promotes a single response to a single problem.[3]

Assumptions about decline have greatly influenced our sense of what the dialogue is trying to do and what we in turn should do with it: by positing one exclusive answer (or, more inclusively, a select group of answers), readers are forced to side with the opinion of an individual interlocutor.[4] When scholars in their search for the dialogue's definitive response to this issue pare down the list of candidates, Aper is the first to go; few have made his cause their own.[5] While Messalla has attracted some attention, mostly for similarities to Quintilian's precepts on education and training, Maternus has fared best, in part because he speaks last and in part because his quasi-historical answer – the inanition of oratory in the present

[3] Luce (1993a), and Mayer (2001), for example, represent the nearly universal assumption that the dialogue assumes the decline of oratory. Cf. Williams (1978) 49, Heldmann (1982) 163, Brink (1989) 490. *Contra* Goldberg (1999) and Gowing (2005) 109. Brink (1994) 276–7 remarks that the dialogue "pursues no thesis, single or composite, nor does it answer a particular question, not even very fully the question posed at the outset." Fantham (2004) 321: "it is far from obvious that Tacitus identifies with any of the points of view expressed by his interlocutors." Already Hirzel (1895) considered it a trait of the genre to expand the ostensible theme beyond that announced in the preface. Chapter 3 closely examines the introduction and its relationship to the "interstitial" passages (the dramatic sections between the speeches), arguing that Tacitus redirects the reader to the tension between a potential decline in the practice of oratory and a diminishment of the renown accorded to the practice of contemporary oratory.

[4] Den Boer (1939) is perhaps the most cogent example of this tendency.

[5] "Pro-Aper": Champion (1994) and Goldberg (1999), both with details of the "anti-Aper" bibliography; Mayer (2001) has done much to resuscitate the anti-Aper line. Bo (1993) 222–7 on different approaches to Aper. Chapters 4 and 5 detail Aper's positions and the responses to them.

dispensation – seems to square well with the predilections of an author known chiefly as the wry chronicler of imperial vices.[6]

At the same time contradictions in the interlocutors' statements make it difficult to embrace any single speaker as the work's mouthpiece. Those who wish to glimpse more of Tacitus behind only one persona find themselves not only explaining away a good deal of the text, but also facing a great number of resultant problems. Aper and Maternus both cite evidence in the first debate that seems to undermine their arguments on closer inspection. The former mentions Vibius Crispus and Eprius Marcellus, two notorious *delatores* ("informants" or "prosecutors"), as models of success.[7] The latter adduces Orpheus and Linus (who both met gruesome ends) to argue that poetic *eloquentia* is free from the violence that rhetoric fosters. Additionally, Maternus' praise of Vespasian and of the imperial system's tranquil circumstances seems at odds with his avowed attacks on Vatinius, the *scurra* favoured by Nero.[8] The besting of Vatinius contradicts his espousal of a poetry removed from the public sphere. Even Maternus' oft-championed final speech (37.1–41.5) seems to unite two contradictions, the ruining of *eloquentia* under the Empire and unapologetic praise for the emperor Vespasian. Those committed to the idea of Tacitus' disaffection under the imperial dispensation will simultaneously find in Maternus a very familiar and a very alien Tacitus. Likewise, we cannot overlook how Messalla idealizes oratorical preparation of the Late Republic, making, as he so often does, "an illegitimate deduction from the unique case of Cicero."[9]

Deficits of presentation would seem to mar the entire work; numerous perceived flaws in its design present a significant challenge – how do we account for the first two speeches, which deliberate between two modes of *eloquentia*, oratorical and poetic, but do not address the question of decline?

[6] To varying degrees Maternus has been promoted as the true protagonist in e.g. Barwick (1929) 107; den Boer (1939) 219–23; Barwick (1954) 25–31; Williams (1978) 48; Güngerich (1980) 202; Heldmann (1982) 271; Rudich (1985) 99; Bo (1993) 228; Bartsch (1994) 98–125; Lier (1996) 53; Mayer (2001) 31–44; Gallia (2009); Strunk (2010); Breitenbach (2010). Some perceived attitudes from the later works, the *Histories* and *Annals*, have been projected back onto the *Dialogus*; e.g. Mayer (2001) 7–8 sees the *Dialogus* as the first flower of disenchantment – only later does the full force of Tacitus' real opinions as a historian make itself felt. Cf. Syme's initial framing (1958) 465. On the complexities of Tacitean biography see also Goldberg (2009) 78–80, who points out the extent to which Tacitus' oratorical renown continued well into the 100s CE.

[7] On ancient and modern prejudices against *delatores*, see Chapter 1; on Aper's citation of them as evidence, Chapter 4.

[8] Gallia (2009) sees Maternus' attacks as part of a larger tendency against the *delatores*.

[9] Winterbottom (2001) 148 summarizing Luce (1993a) 21. Cf. Hirzel (1895) II.56 n. 1.

And if Maternus has the final single answer, why does Tacitus devote so much space to false ones? In the face of such problems T. J. Luce justifiably remarked some two decades ago: "the discovery of inconsistencies and contradictions seems to have grown exponentially in number: the entire fabric of the *Dialogus* appears shot through with them."[10]

These obstacles may explain the *Dialogus*' enduring ability to captivate readers. Recent decades have witnessed intense scholarly interest along with frequent calls to revisit basic hermeneutic assumptions.[11] Paradoxically for this rhetorical text, the difficulties are at root rhetorical: if we take rhetoric to be the art of creating and communicating meaning – good rhetoric does so effectively – then the fundamental problem, the reasons why we struggle so to explain the *Dialogus*, might be found in a misunderstanding of its rhetorical workings. How does Tacitus create meaning and impart it to readers?[12]

Contradictions in the interlocutors' statements have largely been treated with attempts to reconcile contradictions or to explain them away, approaches which, put somewhat reductively, neglect the positions held by certain speakers and disregard perceived inconsistencies as irrelevant to Tacitus' agenda. What I want to suggest is, first, that those problems are essential and significant and, second, that we perceive them as irresolvable (rather than productive) on account of our interpretive assumptions; we are, as a result, missing out on valuable features of the *Dialogus* and the genre of dialogue. The problems can be defined in the following questions: 1) Why do we see the dialogue as aimed at a single topic (decline)? 2) Why do we atomize the work while at the same time believing in at least some unity of purpose? 3) What makes readers identify with the positions of individual characters? These problems are interrelated: 1) stems from preconceptions about dialogue and prose writings; 2) and 3) result in part from the nature of the dialogue form and, as I discuss below, from the rhetorical culture in which Roman dialogue developed. Modern presuppositions about decline are an essential part of two dominant tendencies in reading dialogue: character-oriented readings, that is, asking which speaker best represents the author and his opinion, and persuasion-oriented

[10] Luce (1993a) 18. The number of proposed solutions to Maternus' inconsistencies alone is staggering; cf. the detailed listing at Manuwald (2001) 10 n. 17.

[11] The bibliography is considerable. I select the following examples because they not only grapple with the themes of the work but also with its design and literary devices: Döpp (1986), Luce (1993a), Bartsch (1994) 98–125, Goldberg (1999), Levene (2004).

[12] This explanation might suggest that the *Dialogus* is rhetorically flawed given modern difficulties with the text. See below on "Argumentative dynamics" along with Quintilian's description of how to read (ostensibly flawed) works.

readings, that is, seeking out the most persuasive account of a guiding idea or group of ideas. In conclusion, this chapter will offer a feasible alternative to these two options: "argumentative dynamics."

The need for decline

Chapter 1's summary of the preface to the *Dialogus* emphasized the ambiguities in Tacitus' manipulation of the conventional literary request and in the specifics of language.[13] The widespread belief that the *Dialogus* explains the decline of oratory has good reason, despite the innumerable problems which are its by-product. In part, readers have isolated a single problem because it seems to justify belief in a coherent sensibility behind the work. This tendency also likens dialogue to the modern treatise which takes a single subject as the focus of investigation.[14] An author's success can then be measured in terms of the ability to provide a coherent explanation.[15]

This monological impulse is not always confirmed by the tradition. Dialogues do not necessarily restrict their focus to the issue announced in the preface. Cicero's *de Oratore* is a notable (though often overlooked) example: in the first preface Cicero claims to address a disagreement he has with his brother Quintus (1.5). Quintus holds that talent and practice (*ingenium* and *exercitatio*) are the most significant elements in the orator's success, whereas Cicero backs specialized knowledge and erudition (*artes* and *doctrina*). The false dichotomy serves as a catalyst for the dialogue's ensuing discussion and will quickly be left by the wayside, both in the subsequent prefaces and in the interlocutors' arguments. It would be difficult to imagine that either Cicero or Quintus could have tenaciously distinguished "practical" from "doctrinal" learning or from the ability to

[13] Chapter 3 more closely examines the vocabulary of the opening, its relevance to the rest of the work, and Tacitus' manipulation of dialogue convention.

[14] Mayer (2001) provides the best recent example of "reading for the answer" (to paraphrase Brooks [1984]). Winterbottom (2001) typifies the tendency to want to read coherence in the dialogue as equivalent to its status as a self-contained object; he attributes to Tacitus' lack of revision the inconsistencies between Maternus' two speeches.

[15] The study of narrative can shed light on this tendency, for just as readers of novels indulge in "narrative desire," the impulse to follow out a narrative through to some form of resolution, readers of dialogue often succumb to "argumentative desire," the powerful urge to find a sustained and defensible argument within a dialogue. This understandable tendency often relies on strategies to reconstruct a work's meaning that Frank Kermode has called "overreading" and "underreading," the processes by which we supplement the statements of a text or overlook certain parts to make sense of the whole. Underreading and overreading: Kermode (1979) with a lucid synopsis in Abbott (2008) 83–99; Brooks (1984) on narrative desire; Quint (1989) fruitfully applies Brooks' model to Vergil's *Aeneid*.

acquire these, given that the triad consisting of talent, practice, and erudition was already too well established in the rhetorical code to be omitted, and that all three are interconnected in the orator's training. Messalla will claim in the *Dialogus* that practice is inseparable from doctrine: *ipsis artibus inest exercitatio* (33.5). It is no surprise then that the preface to *de Oratore* Book 2 canvasses and ultimately abandons the distinction. Cicero remarks that Quintus mastered oratory through learning on his own and through Cicero's assistance in practical matters, an account which reverses the terms from the first preface.[16]

The *Dialogus*, like many of its Ciceronian forerunners, draws heavily on the tradition of Academic Skepticism through the description of the speeches and through allusion to a range of Cicero's dialogues. Among the most powerful characteristics of his philosophical dialogues was the appeal to indecision and the suspension of judgment.[17] Tacitus never endorses any of the positions in the *Dialogus* except to note that they are all convincing (1.4). The interlocutors allude to the frequency with which they debate the issues, and the work dramatically concludes with no formal resolution except the promise of future discussion.

Character-oriented readings: Problems in opinion and belief

Character-based readings primarily judge two aspects of the dialogue: the sincerity of the interlocutors' opinions and Tacitus' putative sympathy with them. These two sides have often been conflated on the assumption that one character (usually Maternus) best represents Tacitus' aims. However, various strategies in the text, along with large-scale reworking of the Ciceronian forerunners, conspire to undermine the function and value of opinion. Tacitus achieves this by patterning the *Dialogus* on Cicero's Academic works and by manipulating the portrayal of Aper as *diabolus advocati* ("devil's advocate"). These will be taken in turn.

[16] . . . *prudentiam rationemque dicendi per te ipsum, usum autem per nos percipere voluisti* (" . . . you sought to know the science and system of speaking by your own means, its use through mine," *de Orat.* 2.11). I do not wish to deny that a large part of the issue for Cicero was the extent to which expansive knowledge was necessary for great oratory, but that argument fully emerges only later in the dialogue and does not nullify how Cicero chooses to frame and ultimately to neutralize the disagreement in the course of the prefaces.

[17] Well emphasized in Goldberg (1999), Winterbottom (2001), and Levene (2004). Chapters 6 and 7 discuss the allusion to Cicero's dialogues in greater detail. See Haß-von Reitzenstein (1970) for fairly systematic treatment along the lines of traditional *Quellenforschung*. In addition to commonly recognized allusions to the *Rhetorica*, Tacitus also borrows motifs and language from texts as diverse as *Div.*, *Fat.*, *Rep.*, *Hort.*, and *Tusc.*

Cicero and the theology of disbelief

When Cicero catalogues his philosophical and rhetorical writings at the opening of Book 2 of *de Divinatione* ("On Divination"), he groups together the three works addressing theological questions: two dialogues, the three-book *de Natura Deorum* ("On the Nature of the Gods") and the two-volume *de Divinatione*, as well as the announced (and unfortunately now fragmentary) treatise *de Fato* ("On Fate"). Through explicit comments, *de Divinatione* reinforces its connection to *de Natura Deorum*, which it complements by debating the purpose and validity of divination in Roman society. In addition to their thematic continuity, both works prominently wear the New Academy's epistemological method.[18]

At the opening of *de Natura Deorum*, Cicero scolds the blind rashness (*temeritas*) of philosophers who adopt opinions without proper reflection (1.1). He equally badgers those too eager to seek his own opinion: *qui autem requirunt, quid quaque de re ipsi sentiamus, curiosius id faciunt, quam necesse est* ("Those, however, who seek my own opinion on every topic, do so more officiously than they ought to," 1.10). Reason rather than individual *auctoritas* should serve as a guiding principle to settle philosophical disputes: *non enim tam auctoritatis in disputando quam rationis momenta quaerenda sunt* ("Indeed it is not so much the weight of authority as that of reason that ought to be sought out in philosophical discussion," 1.10).

Although Cicero claims to allow the dialogues to speak for themselves, glimmers of his own position seem to peek through, as at the close of *de Natura Deorum*, when Cicero endorses Balbus' Stoic position (3.95). Similarly, Book 2 of *de Divinatione*, in which Marcus Cicero argues against Quintus Cicero, has often been cited as the author's skepticism towards the practice of divination. Yet scholarship has recently challenged the extent to which we may uncomplicatedly distill Cicero's opinion from his dialogues.[19] In the case of *de Divinatione* and *de Natura Deorum*, seminal essays by Beard (1986) and Schofield (1986) have highlighted these works' fundamental yet often misunderstood argumentative procedure. Academic argument effectively permitted an author to explore issues *in utramque partem*, i.e. to deploy opposing arguments in order to flesh out a

[18] At *Fat.* 1, Cicero confirms the likeness of the two theological works and describes their method: *ut in utramque partem perpetua explicaretur oratio, quo facilius id a quoque probaretur, quod cuique maxime probabile videretur* ("so that a continuous speech is rolled out on each side of an issue, in order that each individual approve what seems most probable to him").

[19] Beard (1986) rightly stresses the distinction that should be made between "Marcus Cicero" as a character in one of his own dialogues and Cicero as the author of the dialogues. The former is a literary figure whose opinions and conclusions are not necessarily those of the author.

given topic.[20] Likewise, the Academic may borrow certain tenets from an interlocutor in order to shake the foundations of that opponent's overall position. These methods provide to Cicero's oratorical inclinations an outlet for the artful expression of competing views. At the same time, it often becomes difficult to separate rhetorical and expository posturing from the conclusions that Cicero ultimately draws.[21]

The issue has acquired piquancy through two considerations, one stemming from statements in Cicero's dialogues, and the other from methods at home in modern literary criticism. Both, however, are closely related. First, Cicero undermines the adoption of a fixed opinion. The close of *de Natura Deorum* would seem to deliver Cicero's support for Balbus' Stoic position: *haec cum essent dicta, ita discessimus ut Velleio Cottae disputatio verior, mihi Balbi ad veritatis similitudinem videretur esse propensior* ("After these things were said, we parted ways and it resulted that the argument of Cotta seemed more truthful to Velleius and that of Balbus seemed to me to tend more towards the appearance of truth," 3.95). Yet, in true Academic fashion, the claim hardly constitutes unmitigated acceptance. Balbus' argument seems weightier in the balance of truth, but how much so remains uncertain. Even to call a position more truthful relativizes its absoluteness: the comparatives, *verior* and *propensior*, immediately hedge the truths that are accepted.[22] The close of *de Divinatione* demonstrates this hedging even more adamantly:

> "cum autem proprium sit Academiae iudicium suum nullum interponere, ea probare quae simillima veri videantur, conferre causas et quid in quamque sententiam dici possit expromere, nulla adhibita sua auctoritate iudicium audientium relinquere integrum ac liberum, tenebimus hanc consuetudinem a Socrate traditam eaque inter nos, si tibi, Quinte frater,

[20] A good example at Cic. *Luc*. 7: *neque nostrae disputationes quicquam aliud agunt nisi ut in utramque partem dicendo et audiendo eliciant et tamquam exprimant aliquid quod aut verum sit aut ad id quam proxime accedat* ("our disputations, by speaking and listening to each side, merely bring out and, as it were, press out something either true or very closely approximating the truth"). Long (1995) discusses Cicero's *disputatio in utramque partem*. Cf. Messalla's *et dicant et audiantur* (35.3, cited further below).

[21] Schofield (1986) focuses upon the rhetorical advantages of the practice, which Cicero employs, he claims, as part of a broader persuasive strategy to unite Greek and Roman philosophical method. Beard (1986) gives greater weight to the eventual uncertainty of Cicero's philosophical position, on which point her argument goes further than Schofield's. Beard's take on the question of Cicero's ultimate position in the *de Divinatione* would seem to be confirmed by the *Dialogus*' allusions to it. On *de Divinatione* see Krostenko (2000) and Schultz (2009). For useful discussion of Cicero's theological writings, see Rüpke (2012) 186–204.

[22] Cicero's understanding of *veritas* also holds more in store than the simple translation "truth" would seem to suggest. For a general discussion of Cicero's use of truth terms in a philosophical context, see Glucker (1995). In rhetorical contexts, cf. Woodman (1988) 70–116 and Brink (1989) 476–7 for the sense of "actuality" or "realities of a situation," particularly favored by Quintilian.

> placebit, quam saepissime utemur." "mihi vero", inquit ille, "nihil potest esse iucundius." quae cum essent dicta, surreximus.
>
> "But since it is particular to the Academy to interpose no judgment of its own, to approve of those things which most seem to resemble truth, to compare cases and to bring forth what may be said for each side, to leave the final judgment of listeners intact and free by not offering its own authoritative influence (*auctoritas*), we will adopt this custom handed down by Socrates and use it amongst ourselves as often as possible, if that pleases you, brother Quintus." "Nothing," he said, "could please me more." After this was said, we stood up. (2.150)

In these final remarks uncertainty rules in no uncertain terms. Cicero withholds final judgment (*iudicium*) as he details the methods of the Academy: to argue *in utramque partem* and to approve of what seems most like the truth. Readers are likewise exhorted to make up their own mind, to employ personal judgment rather than to bow to individual authority. These and other statements in Cicero, along with the sophisticated literary structure of the dialogues, have been understood as entailing Cicero's suspension of judgment.[23]

Such an interpretation may hearten literary critics of the present day, who have called into question appeals to authorial opinion. It remains a convenient coincidence that surging interest in the New Academy's methods accords well with this (now nearly dogmatic) literary-critical development. Academic argument permits the authorial mask to undermine explicitly its own authoritative status. Cicero seems to be doing what modern literary critics have wanted to see in authors of all eras.[24]

Precisely at moments of authorial reluctance, the *Dialogus* follows *de Divinatione* and *de Natura Deorum* most closely. Tacitus not only expresses the difficulty of the task he faces (*tam magnae quaestionis pondus excipere* "to take up the burden of so great a question," 1.3) but also explicitly withholds his own opinion: *vix hercule auderem si mihi mea sententia proferenda ac non disertissimorum, ut nostris temporibus, hominum repetendus esset* ("By god I would hardly dare [to answer this question] if I had to give my own opinion and not simply repeat the conversation of the most well-spoken – for our age – of men," 1.3). Here he recalls Cicero's *perdifficilis et perobscura quaestio* (*N.D.* 1.1), as well as the presentation of others' opinions: *ponam in medio sententias philosophorum* ("I will place the opinions of philosophers

[23] e.g. Beard (1986).

[24] Narducci (1997) 139 notes that even the unendorsed side can still present credible arguments: "anche l'opinione ≪sconfitta≫ può contenere argomentazioni probabili o verisimili."

before everyone's eyes," *N.D.* 1.6). Taking his cue from Cicero, Tacitus reveals the authorial presence at the outset only to efface it and continues in this vein at the work's close:

> finierat Maternus, cum Messalla: "erant quibus contra dicerem, erant de quibus plura dici vellem, nisi iam dies esset exactus." "fiet" inquit Maternus "postea arbitratu tuo, et si qua tibi obscura in hoc meo sermone visa sunt, de iis rursus conferemus." ac simul assurgens et Aprum complexus "ego" inquit "te poetis, Messalla autem antiquariis criminabimur." "at ego vos rhetoribus et scholasticis" inquit. cum arrisissent, discessimus.
>
> Maternus had finished when Messalla interjected: "there were some things I would have spoken against and some about which I would have liked more to be said, were the day not already at an end." "Later" said Maternus, "it will be done at your pleasure, and if certain things in my speech seemed obscure to you, let us meet again about them." And, as he rose, he embraced Aper and said: "I will accuse you before the poets, but Messalla will accuse you before the antiquarians." "Well, I will accuse you before the rhetoricians and lecturers," he responded. After they smiled at each other, we parted ways. (42.1–2)

The speakers have hardly resolved the central question and Tacitus steps in at no point to ease that indecision. The passage closely parallels the aporetic mood that Cicero conjures up for the close of *de Divinatione*. The lone reminder of Tacitus' presence, the verb *discessimus*, also points the reader back to the close of *de Natura Deorum* (*haec cum essent dicta, ita discessimus*, *N.D.* 3.95), as does the reason to stop debate: discussion ends not with resolution, but for the extraneous cause that day has come to an end.[25] Tacitus not only distances himself explicitly from authorial opinion but also reinforces that point by invoking equivalent moments of Ciceronian dialogue.

Such distancing matches the general tenor of the *Dialogus*' opening, in which Tacitus proposes the work's themes in highly ambivalent terms.[26] However, the importance of such references does not end there, nor does their occurrence. Allusion to Cicero continues the broader plotting of

[25] Haß-von Reitzenstein (1970) 51 explains: "Diese besondere Verwendung der Zeit als Schlußtopos, wie wir sie in De natura deorum und im Dialogus finden, steht in engem Zusammenhang mit der aporetischen Schlußstimmung der beiden Dialoge. Eine eindeutige Einigung läßt sich nicht erreichen, These und Antithese würden einander unaufhörlich folgen, wenn nicht die Zeit der Unterredung ein Ende setzte" ("This special use of time as a concluding *topos*, as we find it in *de Natura Deorum* and in the *Dialogus*, has a close connection to the aporetic mood at the close of both dialogues. Clear agreement cannot be reached, thesis and antithesis would follow one another endlessly if time did not set an end to the discussion").

[26] See Goldberg (1999) and Chapters 1 and 3 on Tacitus' ambivalence in the preface.

the *Dialogus* directly onto his Academic dialogues. The *Dialogus* refers at numerous points to philosophical discussion in Cicero, especially to *de Natura Deorum*. The overlap is most evident in two areas: first, at the *Dialogus*' opening, where Tacitus introduces the rhetorical luminaries of his youth and establishes the terms of debate; second, through his depiction of the nature and content of discussion.

Tacitus' tenuous presence emerges through the conventionally cast introduction and through brief details of the circumstances that motivate the work. As a young man (*iuvenis*) Tacitus attended a conversation that he purports to recount from memory (*memoria et recordatione*) in response to a question from Fabius Iustus. Tacitus himself participates merely as a silent observer. Haß-von Reitzenstein (1970) notes the single occurrence in Cicero of the composite "Young Man – Reporter of Conversation – Author," which he employs only in *de Natura Deorum*.[27] The introduction's last mention of Tacitus describes the encounter with Maternus as he mulls over the *Cato* he had recited on the previous day. The passage is closely modeled on *de Natura Deorum* and *de Finibus*:

> intravimus cubiculum Materni, sedentem ipsum<que> quem pridie recitaverat librum inter manus habentem deprehendimus.
>
> We entered Maternus' bedchamber and found him sitting with a book between his hands, the one he had recited on the previous day. (3.1)
>
> offendi eum sedentem in exedra et cum Gaio Velleio senatore disputantem.
>
> I came upon him [*sc*. Cotta] seated in the sitting-hall in conversation with the senator Gaius Velleius. (*N.D*. 1.15)
>
> M. Catonem . . . vidi in bibliotheca sedentem, multis circumfusum Stoicorum libris.
>
> I caught sight of Marcus Cato sitting in the library with a great number of books of the Stoics piled around him. (*Fin*. 3.7)

Tacitus repeatedly directs the reader to Cicero's philosophical works and to the *de Natura Deorum* in particular. That effort continues in the employment of the '*iudex* motif,' in which a character is nominated to judge ensuing debate. The convention extends back as far as Plato and occurs frequently in philosophical dialogue.[28] In *de Natura Deorum* Cicero assumes

[27] Haß-von Reitzenstein (1970) 97. See also 99 and esp. 100.

[28] Hirzel (1895) II.47–61.

this role himself (1.17), while in the *Dialogus* Maternus proposes to designate Secundus as *iudex* (4.2–5.4).[29]

Tacitus delivers an important clue in his designation of the arguments as *probabiles*, and that they are held frequently (the *saepe* motif).[30] In numerous philosophical dialogues, Cicero employs the adverb *saepe* to characterize repeated discussion of a given theme.[31] Hirzel (1895) remarks upon the presence of this motif in Cicero's *philosophica*, noting its frequency in the theological works.[32] In the same manner, the use of *probabiles* has a particularly philosophical stamp. The words *probabilis* and *probare* are employed in several of Cicero's dialogues to characterize philosophical arguments. The verb *probare* is an Academic term *par excellence* for the approval of a given position.[33] In a work such as *de Oratore* the term *probabilis* is a quality of capable speakers in their public appearances, such as the description of Antonius as *probabilis* ("acceptable," "convincing," 2.4, 2.153), not a way for the author to characterize and draw attention to the suasive integrity of the speeches in the dialogue. Cicero typically reserves the term for philosophical dialogues. Although Tacitus directs the reader to the philosophical characterization of the work's speeches, it may oversimplify matters to separate strictly the philosophical from the rhetorical in the *Dialogus*. The work itself impresses upon the reader the philosophically proficient milieu of rhetorical practice. Aper mentions this fact in his second speech (19): being rhetorically acute in Tacitus' day also meant being philosophically aware.

While these parallels underline a more systematic recourse to Cicero's *philosophica* than has thus far been acknowledged, they bring up a number of problems. How, for example, do they relate more generally to the

[29] Textual corruption at a crucial point in the text at § 5.4 makes it impossible to know whether, according to Aper's statement there, Secundus is actually accepted as *arbiter*. However, the textual quagmire does not affect the present discussion. The motif did not depend upon actual acceptance of the role of *iudex*. For example, at *Fin*. 2.119, Torquatus rejects Cicero's suggestion that Triarius should act as judge. The convention introduces the importance of an impartial weighing of the arguments. The judge's presence and pronouncements are typically of little importance to the convention's functioning or to the dialogue's outcome.

[30] Luce (1993a) understands two possibilities for *probabiles*, as both "probable" and as "convincing."

[31] The characterization of discussion as being held *saepe* is a mainstay of philosophical discourse. See Hirzel (1895) II.51 n. 4.

[32] Hirzel (1895) I.543 n. 1: "Diese Wendung, um den Uebergang von allgemeinen Bemerkungen zum einzelnen Dialog zu machen, war also damals bei Cicero zur Manier geworden. In anderen Dialogen ist sie mir nicht aufgefallen" ("This expression, to effect the transition from general comments to the particular dialogue, had thus at that time become a mannerism in Cicero. I have not noticed it in other dialogues").

[33] On *probabilis* e.g. *N.D.* 1.12, *Luc.* 8, and *Fat.* 1 with *OLD* "*probabilis* 3." Glucker (1995) treats *probabile*, *veri simile*, and related vocabulary in Cicero's philosophical dialogues.

literary composition of the *Dialogus*? Their meticulous deployment suggests a function not merely of formal artifice but rather of serious thematic consequence. On the surface, Tacitus seems to nudge readers towards moments in Ciceronian dialogue that repudiate any fixed position. It might, of course, be one means for Tacitus to insulate himself from offending his contemporaries.[34] But in following the Ciceronian tradition so closely, these techniques reveal a specific methodological interest: they direct the reader both to consider seriously the points of debate and to avoid easy conclusions. Put otherwise, by distancing himself from a particular position, Tacitus pulls the reader into closer consideration of the speeches' contents.[35]

Aper and the advocatus diaboli *("devil's advocate")*

While conventions taken from philosophical dialogue are a useful component of argumentative technique, the direction they give to a work's message can be uncertain. The question of whether the interlocutors "believe" what they say has been largely directed at Aper, who on three occasions is said not to believe the position that he argues, to play devil's advocate (15.2, 16.3, 24.2; the idea is implicit at 28.1, discussed below). The characterization has often been cited as a gesture that vitiates his arguments. By having the other characters malign Aper's conviction, the argument goes, Tacitus intends the reader to dismiss his statements. The long-standing assumption was that Tacitus has Aper defend views that neither believed but that needed airing in order fully to explore and to accentuate the decline of oratory, or that Aper represents the style and values of the *delatores*. Marcus Antonius of *de Oratore* is thought to be Aper's model because Antonius argued against the orator's need for thorough knowledge in Book 1 of *de Oratore*, only to recant in Book 2.[36] Antonius' arguments in the first book have since

[34] Suggested by Murgia and noted by Goldberg (1999) without necessarily being endorsed. See Murgia (1980) and (1985). Barnes (1986) suggests Pliny would have been insulted by the arguments of the *Dialogus*. But as Blondell (2002) 43 rightly notes (on Plato): "Despite his 'anonymity' within the dialogues, a named author cannot disappear entirely behind the masque of his characters, eschewing responsibility for what are, after all, his productions."

[35] Indeed the work's close seems to point the reader in this direction (42.1). Maternus remarks that they should revisit the issue (*de iis rursus conferemus*), if his comments have seemed obscure (*si qua tibi obscura . . . visa sunt*). Repeated debate would clarify matters; Tacitus coaxes the reader into further consideration of the work's issues.

[36] Deuse (1975) is seminal on the *advocatus diaboli*, with support from Heubner *apud* Güngerich (1980) 198. Cf. Koestermann (1930) 404, Drexler (1962) 21, Haß-von Reitzenstein (1970) 131–43. Luce (1993a) 19–20 disagrees strongly with Deuse and emphasizes Aper's silence on the position of devil's advocate. Bo (1993) 224 argues that Tacitus could hardly have given such long speeches

been accorded greater credibility, and to downplay Aper misinterprets his role within the tradition of Academic discussion.[37] That tradition does not give the reader carte blanche to overlook his claims. To neglect Aper in this vein not only ignores his significance but also the fact that Tacitus gives him the longest speeches.[38] The Academic literary form permits the exploration of a variety of potentially valid and convincing viewpoints. While there are moments in Cicero's dialogues that work against an *advocatus diaboli*, such as Philus' untenable argument *contra iustitiam* (*Rep*. 3), not all cases of such role-playing can be interpreted in this vein.[39] To deride *iustitia* is one thing, to defend modern *eloquentia* vigorously quite another.

More importantly, unlike Antonius, Aper never admits to the role of devil's advocate, and the difference is significant. The gesture appears in the *Dialogus*, but its most salient feature is infelicity: the convention is broken, dressed in the formal guise of Ciceronian forerunners without directing us in the more comprehensible manner that Cicero chose. We ought to be aware of the differences while focusing on the *Dialogus*' propensity to borrow meaningfully from its predecessors. Tacitus establishes not merely a relationship of character to character, but of text to text: Antonius serves as Aper's foil with a meaningful distance set between the two figures, a distancing which can be read as a rejection of Cicero's model more generally. Tacitus breaks the convention by rendering it useless as a means to think about the tenure of opinion in the *Dialogus*. More will be said about the characterization and function of conviction in the *Dialogus* after considering the persuasive aspects of the speeches.

to his own teacher and emphasizes the positive evaluation of Aper in the preface; cf. Zwierlein (1997) 87. Goldberg (1999) 231–5 compares Aper to Antonius and argues that the comparison serves his positions well; cf. Fantham (2004) 321. Luce (1993a) emphasizes the differences between Antonius and Aper, Goldberg (1999) that we should take seriously Antonius' arguments and consequently that we cannot reject Aper's remarks in the *Dialogus* because of surface similarities. Mayer (2001) 46 claims that Tacitus disagreed with Aper, like the other interlocutors, but did not wish to alienate Aper because of the debt owed to his teacher; *contra* Dammer (2005) 330 n. 5. I owe a debt to all these scholars, but think that Tacitus' careful manipulation of a range of Ciceronian dialogues ultimately obviates the usefulness of opinion as the main criterion of interpretation.

37 Cf. Hirzel (1895), who fairly contextualizes Aper's role in the dialogue tradition.

38 For example, Haß-von Reitzenstein's (1970) intent focus upon formal features fails to probe into their thematic relevance or to account for the literary tradition of Academic dialogue. Consequently, she thoroughly rejects Aper's role and arguments. If anything, her method (negatively) demonstrates that analysis of formal features cannot be separated from interpretive assumptions in examining the *Dialogus*.

39 Antonius, for example, clearly plays an important role in *de Oratore* and his arguments cannot be dismissed outright. See Hall (1994) for discussion of Antonius' role in relation to the work as a whole and to Crassus' function there.

Persuasion-oriented readings

From a different perspective we can ask by what processes readers contribute to the production of meaning, and whether Tacitus provides clues to guide interpretation. The *Dialogus* bears the impress of the *suasoriae* and *controversiae* (declamatory set-pieces), and its resemblances to the forensic world are unmistakable.[40] The arguments for these influences found a first airing some two decades ago in a seminal article by T. J. Luce (1993a). His conclusions bear repeating in brief because they rightly emphasize a significant context for the *Dialogus*, and because their consequences have not really been taken on board by the scholarship, even by many who otherwise acknowledge the speeches' rhetorical character.[41]

Luce argued that apparent errors could be excused by reference to the declamatory nature of the speeches. They are products of a world which expected mere plausibility of argument, not watertight argumentation. Thus, inconsistencies within a single speech, as long as they were not thoroughly inept, would still meet the basic expectations of an audience. In addition, interlocutors argue each case to the best of their abilities and need not be consistent across topics. The rhetorically trained reader, in turn, evaluates speeches not only on the merits of presentation, but also "selects the arguments of the several speakers that convince him and, in effect, creates in his mind a composite case of his own."[42] The insights have opened new avenues of analysis, but also determine our sense of the formal coherence of the dialogue. Because the permissive norms of rhetoric allow for inconsistencies within or across speeches, it follows that the inconsistencies are *not connected*, that is, they have no bearing on interpretation, except to vitiate in varying degree the persuasiveness of a position on closer examination.[43]

[40] Luce (1993a) and Lier (1996) emphasize the declamatory elements and the speakers' skills. Cf. Mayer (2001) 40 n. 96. Already Hirzel (1895) 49 and Gudeman (1914) 65 made noises in this direction. Maternus, drawing on the language of the bar, remarks that he regularly defends poetry against Aper: *ego, cui desidiam advocationum obicis, cotidianum hoc patrocinium defendendae adversus te poeticae exerceo* ("You criticize me for neglecting court duties and here I am defending the art of poetry against you on a daily basis," 4.1). On arrival Messalla (rightly) suspects a private session of a practice case: *interveni secretum consilium et causae alicuius meditationem tractantibus*? (14.1). Experience has taught him what to expect. Allison (1999) 482 dubs the *Dialogus* a "literary *declamatio*." Chapter 1 discusses declamation.

[41] Winterbottom (2001) 151, for example, prefers a philological solution to the problem of "late" versus "early" Maternus, that is, to the apparently contradictory attitudes in Maternus' two speeches (see further below). Bartsch (1994) 113 and 255 n. 38 and Strunk (2010) 247 also reject Luce's emphasis on declamation.

[42] Luce (1993a) 37.

[43] Viewing the speeches as unconnected set-pieces breaks up the dialogue into discrete units that need not have any relevance to one another. Luce (1993a) did not explicitly make this last point – his

This model, furthermore, essentially restricts the message of a dialogue to the statements of the speakers. Lately scholars have come to recognize correspondences among the speeches,[44] suggesting, for example, that "[t]he real Tacitus is not to be found in any one character's *ipsissima verba*, but must be deduced from them all."[45] Yet to focus on the speeches alone is to neglect the significance of what lies outside them. An alternative approach can be put in slightly – yet significantly – different terms: "the artistic unity to which the whole work adds up."[46] The more inclusive idea, for all its New Critical baggage, stresses the contributions to the larger argument made in all parts of the dialogue, including the dramatic sections.[47]

I want to step back from inveterate habits and, taking the *Dialogus* as one key text of the tradition, consider some central features of Roman dialogue, both the formal phenomena of the texts – the conventions and habits of the genre – and also the historical pressures placed on the literary form in its Roman versions. Rather than explain away the work's inconsistencies, this study explains them as a positive feature of its artistic design and will shed light on Tacitus' response to the intellectual demands of the genre he inherited. Part of our understanding of how a dialogue creates meaning will be through consideration of the evolution of the genre in its Roman versions. To use Bakhtin's words: "how does compositional form (the organization of a given material) realize architectonic form – the unification and organization of cognitive and ethical values?"[48]

Readers coming to a Roman dialogue fresh from the Platonic ones will immediately notice that the Latin authors prefer speeches to argument, or

argument for a composite message would preclude it in some sense – but this is essentially the logic of Lier (1996), the only other article emphasizing the declamatory nature of the speeches. Both Winterbottom (2001) and Strunk (2010) take issue with this implicit conclusion; cf. Bartsch (1994) 98–125.

44 Especially Goldberg (1999), Winterbottom (2001), and Levene (2004). The first two essays note correspondences among the second speeches of Aper and Maternus; additional parallels merit further attention. Levene (2004) details how the picture of literary history in the *Dialogus* evolves over the course of the six speeches and how this relates to the work's (failed) attempts to slot itself into the picture of literary history outlined in its speeches. Significantly, Goldberg argues against the thesis of decline, while Levene (2004) avoids the question entirely, which frees him to explore a single subject across all the interlocutors' statements. It would appear that one major hindrace to reading the dialogue as a coherent piece is the assumption that Tacitus sought to demonstrate decline.

45 Murgia (1980) 111.

46 Brink (1993) 338.

47 The two main exceptions to the tendency to focus on the speeches are: 1) the opening question, though it is rarely "interpreted" but rather taken as a face value statement that declares the subject of the dialogue: what has caused decline? (but see Goldberg [1999] on complexities in the preface); 2) the offense caused by Maternus' poetry (which is typically compared to the attitudes he seems to express and to the titles of his plays).

48 Bakhtin (1990) 304.

at least, to that feature so readily associated with Plato, the Socratic *elenchus* and the dialectical investigation of which it was part. To compare a single Greek example, Roman dialogues more closely resemble the first half of the *Phaedrus*, with its triad of speeches, than its second, in which Socrates interrogates Phaedrus and introduces the process of dialectic.[49] *Phaedrus* 263a–b gives the first account of this procedure: to gather and compare the ranging uses of a term in order to understand the underlying concepts, which are distributed into discrete categories. When we turn to the Latin members of the tradition, the lack of *elenchus*, lengthy procedures of definition, and even of sustained debate might be counted as a shortcoming in the genre's intellectual potential. Yet Plato's works and Socrates' techniques were famous enough for later authors, such as Cicero or Tacitus, to draw on, and we are right to wonder why they followed a different path.

The most obvious and by far the most prevalent explanation is social decorum.[50] Romans were unlikely to tolerate brazen challenges to authority, and the virtuoso delivery of continuous speeches fostered examination through a medium appealing to their susceptibilities and familiar from the public world.[51] However effective and celebrated the Socratic model was, its techniques had to be softened, a point made perhaps symbolically, as one scholar has intimated, by the provisioning of pillows (*pulvini*) to *de Oratore*'s interlocutors, seated under plane trees (*platani*) in Cicero's Tusculan villa.[52] At a single stroke Cicero recalls the pastoral setting of Plato's *Phaedrus* and alleviates its sparseness in a way calculated to elevate the social finery of Latin *sermo* above the asperity of Platonic *elenchus*.

[49] At 263a–b Socrates explains to Phaedrus the need to construct categories in order to inquire into the meanings of different values. The *Tusculan Disputations* do show more of the argumentative wrangling typical of Socrates, which has often made it seem an outlier in Cicero's corpus; cf. Gildenhard (2007). The *Dialogus* most resembles Plato's *Symposium*, a group of successive speeches, six in number (though Alcibiades' encomium of Socrates, if counted, brings the number to seven). Traces of the *Symposium* include the holding of the speeches at the house of the poet the day after a public dramatic event (Agathon's plays, Maternus' *Cato*), as well as the late arrival of a figure: Alcibiades and Messalla. Cf. Allison (1999) and Rutledge (2000).

[50] See in particular Hall (1996) on social decorum in Ciceronian dialogues and its relationship to elite values; Fantham (2004) 53: "Indeed, perhaps the most important feature of Plato's dialogues, the Socratic *elenchus*, would be inconceivable in Roman society, whether in Cicero's generation or beyond it." The *Dialogus* is ostentatiously polite, even in comparison to the Ciceronian models. Messalla sums up: *cum sciatis hanc esse eius modi sermonum legem, iudicium animi citra damnum adfectus proferre* (27.2) ("since you know the rule of discussions of this kind, to put forth one's sincere judgment without any loss of mutual good-feeling").

[51] Cicero lauds the speeches of the Aristotelian dialogues he knew: *flumen orationis aureum fundens Aristoteles* (*Ac.* 2.119). Cf. Cic. *Fam.* 1.9.23 and *Att.* 13.19.4.

[52] Zetzel (2003), esp. 119–21, although his broader cultural reading does not specifically tie the pillows to the Platonic *elenchus* as I have suggested here. See now Stull (2011), which reads the passage, and especially Scaevola's "misreading" of Plato as a sophisticated championing of Roman public engagement over the philosophical abstractions of Platonic dialogue.

Cicero's artistry sets before us venerable Romans engaging in rhetorically persuasive speeches for and against different issues (*disputare in utramque partem*).

Nevertheless, the strictures of social decorum only explain at the formal level how one possible mode of investigation was supplanted by another, less irksome one. The consequences and the intellectual value of this shift might amount to something entirely different, considering the lingering challenge: how to measure up against the vigorous means of inquiry available to Plato. Social injunctions against the Socratic *elenchus* may ultimately have given impetus to a style of dialogue with immense and unique literary potential, insofar as the need for argumentative sophistication, concession or refutation, and full-scale analysis of issues with nuance could not be obviated, but still had to be removed from the direct, dogged, and sometimes heated exchanges between individual interlocutors. One example – surely countless others exist – occurs near the middle of *de Oratore*, in the discussion of humor. The guiding topic of this section is *decorum*; its representative and the exponent of humor is Caesar Strabo. Contrary to the insistence on *decorum*, however, Caesar Strabo repeatedly adduces unseemly examples of humor. We are told how Lucius Licinius Crassus, the dialogue's paragon of gentlemanly eloquence, once abused the deformities of Lucius Aelius Lamia (2.262), despite Crassus' avowed injunction against mocking physical defaults. The discrepancy between precept and practice suggests that Cicero gave considerable latitude to humor and sought to back up his penchant for the theatrical and the comedic by appealing to the august example of Crassus, the consular memorable for disapproval of the Latin *rhetores* while censor.[53]

This section on *decorum* in *de Oratore* gives the rudimentary indications of a productive textual strategy, to refine a message, sometimes inconclusively, through the tension between explicit arguments and the examples or dramatic elements of the dialogue. The admonition to *decorum* in *de Oratore* ultimately leaves open just how much and what kind of humor might be acceptable. A difference of opinion on the issue may be read in Cicero's contemporaries and followers, many of whom found him lacking in restraint (*modus*), as Quintilian tells us (6.3.2). Macrobius, in a moment of pithiness, unites the tension as an oxymoron, stating that Cicero's opponents thought him a "consular rake" (*scurra consularis*, 2.1). At the broadest level the inconsistency in *de Oratore* can illuminate the workings of the

[53] Hughes (1997), esp. 188; on *decorum* and humor more generally, Fantham (2004) 186–204. The interpretation here follows Dugan (2005) 75–171, esp. 128–30.

genre: it shows the reader various possibilities of interpretation without requiring us, at least explicitly, to favor one perspective over another.

Tacitus often employs a related technique in passages outside the speeches that direct the process of evaluation, modifying arguments or delivering metacritical commentary on the values and the argumentation in the text. When, for example, Aper finishes his grand defense of modern eloquence, Maternus remarks:

> quo torrente, quo impetu saeculum nostrum defendit! quam copiose ac varie vexavit antiquos! quanto non solum ingenio ac spiritu, sed etiam eruditione et arte ab ipsis mutuatus est per quae mox ipsos incesseret!
>
> With what surge, what enthusiasm did he defend our age. How fully and with versatility did he harass the ancients! He showed not only genius and liveliness but even learning and artistry, borrowing from those very men the means with which then to attack them! (24.1)

Maternus points out the use of material from previous authors, especially the numerous citations and reminiscences of Cicero. In this case the metacritical comments do not markedly direct our sympathies, as Tacitus intervenes only minimally, slyly revealing the guiding hand in the work's fiction without championing any position. The passage does, however, signal to the reader something already in evidence: criticism of the past issues from the figure with the greatest knowledge of it. The critical appreciation of literature and rhetoric, of Cicero's works in particular, sounds throughout Aper's speeches. Maternus' implicit reminder – even if he claims to disagree with Aper – reinforces an intuition triggered on a first reading: Aper speaks not in ignorance of the past, but as a result of meticulous study and careful judgment. It is no surprise that a few generations later Minucius Felix would adapt the device in the response to the speech of the Christian apologist Octavius, the first interlocutor of the eponymous dialogue.[54] Such statements – and this may be their most visible effect – are self-referential; they shed light on the author through the judgment of

[54] *cum Octavius perorasset, aliquamdiu nos ad silentium stupefacti intentos vultus tenebamus, et quod ad me est, magnitudine admirationis evanui, quod ea, quae facilius est sentire quam dicere, et argumentis et exemplis et lectionum auctoritatibus adornasset et quod malevolos isdem illis, quibus armantur, philosophorum telis rettudisset, ostendisset etiam veritatem non tantummodo facilem sed et favorabilem* ("After Octavius finished his speech we were amazed to the point of silence and stood with fixed gaze, and in my case, I was overcome with immense wonder at the fact that Octavius had adorned those things, which it is easier to feel than to say, with arguments, examples, and literary precedents, and that he struck back at the malevolent with those same weapons of the philosophers with which they are armed, and he demonstrated even a truth that is not only comprehensible but also attractive," *Octavius* 39). Cf. Macr. 6.1.4: Rufius Albinus cites Afranius' borrowings from Menander in order to defend Vergil's *imitatio*, discussed at Kaster (1980) 232.

an interlocutor. Tacitus insinuates himself into the text both as a surrogate reader and as the main beneficiary of that reading: calling attention to Aper's use of the past implicitly lauds his own learning, emphasizing the erudition that suffuses the entire dialogue. Such interjections bring out key themes in the dialogue or modes of exposition in the speeches: pleasure as a motivating force for learned discussion (14.3, examined below); the significance of fame (11.1, 15.1, 24.2); and styles of argument (11.1, 14.2, 24.1, 24.3, 27.1), among other topics.

Two authorial techniques can be gleaned from the examples discussed thus far, to employ meaningful inconsistencies in the service of a larger argument and to intervene obliquely in a work so as to inform our understanding of its statements. Tacitus' oblique interventions can also shed light on inconsistency in the *Dialogus*, through which Tacitus implicitly urges a reader to take special notice and to consider the various, sometimes contradictory, implications of an argument or piece of evidence. In his magisterial study nearly half a century ago, Ronald Syme remarked that "the inconsistencies of Tacitus are a merit." James O'Hara's recent work also fruitfully outlines a "framework for understanding the poetic or rhetorical use of inconsistencies in any ancient author."[55] A significant but hitherto unexamined intratext in the *Dialogus* demonstrates the potential of such presentational strategies.

With ebullient nostalgia for the lost habits of past generations (*oblivio moris antiqui*, 28.2), Messalla outlines the failures of modern rhetorical education and training. Deficiencies plague student, parent, and teacher alike: infants are passed off to Greek wet nurses (29.1), and the youth care only for the theater and games (29.3). Students undertake rhetorical drills too early, neglecting the study of great authors and events of history (30.1–2). Cicero, however, was the model for broad learning, without which today's orators enter the forum fully unprepared (30.3–32.6). With some urging from Maternus, Messalla at last turns to practical experience, decrying the abeyance of the *tirocinium fori* (the apprenticeship of the orator):[56]

[55] Merit: Syme (1958) 526 n. 9, though with a broader view of Tacitus' *oeuvre*. Framework: O'Hara (2006) 5, focusing on poetry.

[56] Rutledge (1996) 67 defines "apprenticing" (the *tirocinium fori*): "the practice whereby a young man, upon assuming the *toga virilis*, would attach himself to a well-known orator, and attend the cases and meetings at which he would speak in order to absorb better a knowledge of law, speaking style, and whatever else might be learned from daily attendance at court. The practice flourished in Cicero's day and beyond." LPW 1.23–5; Hall (1996) 100; Stroup (2010) 141–50; 145–50 discusses *de Oratore* as a textual reenactment of the *tirocinium*. Cicero was also a role model for others, cf. *Fam.* 1.9.23; 9.16.7; *Off.* 1.1; and of course Cicero memorably notes that Caelius' father had entrusted Caelius to Cicero for training (*Cael.* 9). Quint. *Inst.* 10.5.19 attests to the endurance of the *tirocinium* in his praise of it.

> ergo apud maiores nostros **iuvenis** ille . . . deducebatur . . . ad eum oratorem, qui principem in civitate locum obtinebat. hunc **sectari**, hunc prosequi, huius omnibus **dictionibus** interesse sive in **iudiciis** sive in contionibus assuescebat, ita ut altercationes quoque **exciperet** et iurgiis interesset.
>
> And so among our forefathers that young man would be led to the orator who held pride of place in the city. He would grow accustomed to following this man about, escorting him, attending all his speaking engagements whether in court or public address, such that he'd even take in legal repartee and be present for verbal altercations. (34.1–2)

But Messalla's account of the long-gone *tirocinium fori* itself echoes Tacitus' earlier account of his own training in the preface:

> venerunt ad eum M. Aper et Iulius Secundus, celeberrima tum ingenia fori nostri, quos ego utrosque non modo in **iudiciis** studiose audiebam, sed domi quoque et in publico **assectabar** mira studiorum cupiditate et quodam ardore **iuvenili**, ut fabulas quoque eorum et disputationes et arcana semotae **dictionis** penitus **exciperem** . . .
>
> Marcus Aper and Iulius Secundus came to him [i.e. Maternus], the most renowned luminaries of our forum at that time, whom I'd not only listen to attentively in the courts, but I even attached myself to them at home and in public – with a remarkable zeal for their pursuits and some juvenile passion – in order take in deeply their conversations as well and their disputes and the secrets of their private discourse. (2.1)

The formal likenesses are striking, and similar content only heightens the nearly identical meaning. Tacitus has adjusted the wording some: *qui principem in civitate locum obtinebat* becomes *celeberrima tum ingenia fori nostri*;[57] the sense of *dictionibus* is taken up by *fabulas*, that of *contionibus* by *in publico*; *altercationes* ("legal question and answer") and *iurgiis* ("strife, altercation") become *disputationes* ("discussions" or "disputes").[58] Arrangement and syntax further contribute to the overall effect, as an *ut*-clause (one

[57] Although I cannot find much meaning to the specific differences between the two passages, it is hard not to read at least some playful, possibly useful, irony in these two phrases: *principem . . . locum* is ascribed to the Republic, while *ingenia* is pluralized in the description of contemporary circumstances, a point in contrast with the preface's suggestion that past ages, in contradistinction to the present, flourished in *ingenia*.

[58] Mayer (2001) notes "*fabulas* 'conversations' (*OLD* I, but the word is not found with this sense before the first century AD)." Bennett (1894) 62 lucidly explains *altercatio*: "the *altercatio* was opposed to the *continua* or *perpetua oratio*; the former consisted of questions and answers, the latter allowed no interruptions. An *altercatio* might naturally become so heated in character as to degenerate into wrangling (*iurgium*) which was doubtless often the case." On *altercatio* cf. Cic. *Brut.* 44 and 164, Quint. *Inst.* 6.3.4 and 4.1.28.

expressing purpose, one result) is followed by a word designating speech, each then emphasized by a postpositive *quoque*.

The parallels meaningfully shape the message that emerges from Messalla's speech, but in a number of ways that are not immediately evident. Most obviously, the first (and at this point in the text, only) speech on the causes of oratory's demise is contradicted by the work's *mise en scène*.[59] Although the parallelism forcibly indicates that the *tirocinium fori* still flourished as an institution in Tacitus' day – or at least that Tacitus thought so and was its beneficiary – still the more difficult question is how this conflict guides our readings.

This intratextual contradiction is extremely productive for Tacitus, at least, who memorializes himself in the parallel. Even as the noun *iuvenis* (34.1) does not correspond exactly to the adjective *iuvenili* (2.1), it points us to the preface's description, only a few lines earlier, of Tacitus as a young man (*iuvenis*, 1.2). Stepping back from the dramatic setting to the moment of composition will make apparent how intricately Tacitus has overlaid the various temporal planes onto one another. Messalla in 75 CE gazes back nearly two centuries upon the activities of *iuvenis ille*. Though naming no individual in particular, he summons to life the relationship of Cicero to his role model, Lucius Licinius Crassus of *de Oratore*, whom that dialogue of *c.* 55 BCE immortalized in a conversation set a few decades earlier in 91 BCE, when Cicero was still a young man. Similarly, a contemporary reader of the early second century looks back a few decades to Tacitus as yesteryear's *iuvenis ille*, who is now a forensic powerhouse at Rome, with his own "coterie of eager followers" (*copia studiosorum*), as Pliny would come to describe it only a few years after the appearance of the *Dialogus*.[60] Tacitus' contradiction of Messalla is further sharpened by Aper's claim that young men (*iuvenes*) seek to improve themselves by following about

[59] To my knowledge the details of the intratext have yet to be examined in the scholarship. Lier (1996) 53 and Rutledge (1996) 68–9 come closest to noting the parallels. To remark on the similar content of the passages has become a commonplace in the scholarship, typically as a disqualification of Messalla's arguments. Lier (1996) 53 finds here an indication of Tacitus' intellectual affinity with Messalla ("geistige Nähe zu Messalla").

[60] *Ep.* 4.13.10: *ex copia studiosorum, quae ad te ex admiratione ingeni tui convenit* ("from among a group of eager followers, who flock to you out of regard for your talent," 104/5 CE). Cf. Pliny's (long) letter to Tacitus on *brevitas* (*Ep.* 1.20), which emphasizes Tacitus' authority on questions of oratorical style. An earlier date for the writing of the *Dialogus* (usually placed at or around 102 CE, the suffect consulship of the addressee, Fabius Iustus) would not preclude this self-memorializing function. It may have been a happy coincidence that Tacitus achieved the following he seems to have cultivated in the *Dialogus*. Saller in *CAH*² XI.848 remarks on the general situation under the emperors: "in the absence of any system of credentials, aspiring young advocates continued to rely on a senior figure to introduce them into the courts through a sort of apprenticeship." The role of Q. Mucius Scaevola "the Augur" as Cicero's (later) mentor also should not be overlooked.

practiced orators (*oratores sectantur*, 20.4).[61] Messalla's complaints about the abeyance of the *tirocinium fori* serve as an interpretation of Tacitus' own youth and liken its details to a venerated rhetorical exemplar known from the works of Cicero.

Tacitus deftly manipulates not only biography but also the literary tradition to authorize his preeminence. He draws on a near-*topos* of rhetorical dialogues, which presages the advent of a rhetorical luminary. Plato's *Phaedrus* would retrospectively champion the young rhetorician Isocrates through Socrates' predictions about his promising future (278e–279b). Cicero's *de Oratore* adopted this strategy in celebrating Quintus Hortensius Hortalus as the next luminary to grace Rome's forum (3.228–30).[62] The parallels between the lives of Hortensius and Cicero are later made evident in the *Brutus* of 46 BCE, where the syncrisis of orators unites the two rivals as the best of their age and, as Messalla's citation of the *Brutus* indicates (*Dial*. 30.3–4), credits Cicero's educational model for his ascendancy (*Brut*. 301–33). Cicero, in turn, will celebrate Brutus, urging him to adopt Cicero's stylistic (and political) precepts. Tacitus' alterations are telling even as he hides the details of the device. Cicero had modified Plato's text to thrust himself into the limelight, while Tacitus reverses Cicero's move: he obscures self-aggrandizement in a deftly placed intratext and behind the underlying tradition of rhetorical dialogues.

Whereas Messalla desiderates Cicero's bygone model, the intratext makes Cicero Tacitus' foil, undercutting Messalla's reasons for decline. Tacitus places himself into a continuous line of oratorical apprenticeship, which bodes success for its youthful adherents. The intratext retrospectively predicts Tacitus' own rise to prominence, and participation in the scheme now guarantees him the mantle of authority among his younger contemporaries. The generational transfer of rhetorical authority demands due regard for past luminaries, even as one imposes similar expectations of reverence upon one's contemporaries. Pliny eagerly notes his own fostering of oratorical talents, advising Suetonius (*Ep*. 1.18), hoping for the future renown of his imitators, Fuscus Salinator and Ummidius Quadratus (*Ep*. 6.11), and assisting Cremutius Ruso, whom Pliny will introduce to the forum as Ruso will then be expected to do for others (*Ep*. 6.23).

[61] On *sectari* as a term associated with the *tiroconium* see further Pliny's report of Quintilian's statement that he would follow about Domitius Afer: *adsectabar Domitium Afrum* (*Ep*. 2.14.10). Cf. Quint. *Inst*. 8.5.21; Plin. *Ep*. 4.16.

[62] Cf. Cic. *Orat*. 41–2, whose translation of Plato demonstrates close knowledge of the *Phaedrus*. Cicero does indulge in a bit of indirect self-praise by lauding Hortensius, since a reader could easily compare Cicero's achievements to those of his rival.

In the *Dialogus* the relaying of authority to future generations is hidden in Aper's claim that the interlocutors too will one day be famous among posterity: *verum de vobis dicturi sint posteri nostri* ("Our descendants will speak the truth about you," 23.6). It is, of course, Tacitus in writing the *Dialogus* who makes true Aper's prognosis. Metatextual commentary of this sort is familiar from the passages discussed thus far, though it occurs here within a speech rather than a dramatic interjection, as Aper's laudatory prediction is a fictional screen for Tacitus' self-aggrandizing retrodiction.

This understanding of the *Dialogus* cannot be derived from the opinion that Messalla holds; indeed, it runs counter to the basic tenets of his position. If Messalla believes in decline, especially the decline of students and pedagogical institutions, he is an unlikely source through which we ought to be convinced of Tacitus' rhetorical prowess. The intratext contributes to our understanding of the *Dialogus* not through Messalla's *opinion*, that is, not through his credibility as a speaker or the strict plausibility of his arguments, but rather through the *function* of those arguments within the meaningful structures of the work.[63] In the case of Messalla, this line of interpretation may be particularly necessary, since, more visibly than any other character, he draws from the traditional storehouse of moral discourses and *topoi*. Put somewhat glibly, his arguments are hackneyed, and recognizably so. This does not nullify them, but rather points up the gap between the tenure of opinion in a speech and what that speech signifies for the dialogue.[64]

A character-based approach, which attempts to gauge the coincidence of the author with the ethos and argument of the interlocutors, would also have to read this as an outright rejection of Messalla's anti-contemporary stances. What stronger evidence exists that Tacitus does not "side with" Messalla than this unmistakable intratextual slight? It might suffice to leave it at that, and scholars have justifiably taken issue with Messalla's exaggerated complaints and reactionary Ciceronianism, casting him

[63] Ahl (1989) outlines a model of rhetorical indirection and the pragmatic function of speeches in epic, demonstrating how speakers strategically aim statements towards various audiences. A speech's function is reconstructed from the context of the speaker's situation, which can generate additional meanings. These meanings, however, are neither coincident with – nor necessarily contrary to – the literal utterance.

[64] For this mode of reading, Hinds (1998) 34–47 invaluably discusses how *topoi* have considerable consequences for texts, despite their apparent resistance to analysis: "[t]he so-called commonplace, despite our name for it, is not an inert category . . . but an active one, with as much potential to draw poet and reader into, as away from, engagement with the specificities of its history" (Hinds [1998] 40).

as "too predictable and lacking in subtlety to be a good advocate."[65] Indeed, as Aper's stock has risen of late Messalla's has tumbled in inverse proportion.

Doubtless, the nostalgic mischaracterization of both the past and the present warrants circumspection on the part of readers, but to dismiss Messalla's statements forces us onto the same shifting quicksand that the outright rejection of Aper has in the past. Tacitus devotes considerable space to Messalla, through whom he voices moral and educational precepts for the *orator*. In this regard Messalla reiterates the two cornerstones of Cicero's and especially of Quintilian's program: broad training of a theoretical and practical nature and moral probity, elements so traditional and so essential that rhetorical education is virtually unimaginable without them.[66] The problem becomes how to interpret such an inconsistency in the larger structure of the *Dialogus*. To put a more general formulation to the problem: can we approach the phenomenon as an intentional feature of the dialogue's workings and can Messalla's "failures" demonstrate a principle about argument in the *Dialogus*?

Tacitus has employed an argument by Messalla, the exponent of decline, to demonstrate the opposite: his plausible *causa* ultimately shows that a key component of republican oratorical training persists as a valuable and effective institution in the Empire. Given that at least one program or ideal has been cast in the form of a complaint, the possibility remains that not only has the *tiroconium fori* thrived into the present but also an entire group of key institutions for training and education. The apparent anomaly begins to form a coherent pattern if we consider the further example of declamation: Messalla's criticisms conflict meaningfully with statements both in and beyond the *Dialogus* in such a way as to justify the practice of declamation.

As might be expected Messalla sees declamation as one of the main plagues of modern oratory and levels various charges at it (35). The *tirocinium fori* has since been supplanted by the mock speeches of the declaimers, the *suasoriae* and the *controversiae*. Cicero, we are told, did not bother with such trifles, even if the schools of the *rhetores* had established themselves in Rome before Cicero's career. For this reason, Messalla alleges, the censors Crassus and Domitius banned the *rhetores*, who promulgated

[65] Fantham (2004) 321. Cf. Luce (1993a) 20–1; Fantham (1996) 198; Levene (2004) 195.

[66] A pithy version of the idea is captured by Cato's famous *vir bonus dicendi peritus* ('good man skilled in speaking'), which Quintilian adopted as a slogan for the *orator* (*Inst.* 12.1.1); cf. Chapter 1. Winterbottom (1964) discusses Quintilian's moral conception of the orator, but should be read with Goldberg (1999) and Rutledge (2001).

the use of declamation.[67] These speeches are not a viable form of oratory, but merely fatuous displays of rhetoric on inconsequential topics, at which students of equal age and caliber hardly test themselves or the skills of their fellow declaimers. The last discernible charge against declamation – its unreal topics cannot prepare speakers for the realities of the forum – unfortunately disappears into the lacuna between chapters 35 and 36.[68] Messalla's deprecations (and others like them) long served the modern prejudice against declamation as an insalubrious by-form of proper oratory. With revised assessments of the diversity of rhetorical training at Rome, Messalla's complaints can only lead to perplexity.[69]

Once again, closer examination of the inconsistencies and exaggerations results in a more nuanced overall picture. Readers of Cicero will remember his avowal of declamation for the discussion of significant topics in the *Tusculan Disputations* (1.7), or perhaps even the mention of Crassus' practice speeches in *de Oratore* (1.154–5): he would regularly adapt passages of Ennius or Gracchus or take passages from Greek and render them into Latin.[70] *De inventione* gives examples of declamatory topics (e.g. 1.11, 1.17) and Cicero himself would declaim with younger orators, such as Hirtius and Dolabella and most famously with Hirtius and Pansa, the eventual consuls of 43 BCE, whom Cicero jokingly styled his "grown-up students" (*grandes praetextatos*).[71] The *Rhetorica ad Herennium*, the oldest fully extant Roman treatise, shows clear reliance on the practice, as the author works up *progymnasmata* like those with which students of oratory first honed their skills.[72] Cicero's sweeping history of Roman orators noted the importance

[67] On the background of the censorial edict, see Kennedy (1972) 90–5; Bonner (1977) 71–5; Gruen (1990) 179–92; LPW IV.304–6; Narducci (1997) 25–9; Habinek (1998) 60–1; Mayer (2001) 196; Fantham (2004) 90–3; Mankin (2011) 180–4; for the primary material, Cic. *de Orat*. 3.93–5; Suet. *Rhet*. 1 with Kaster (1995) 273–4 and 291–4; Gel. 15.11.2. Messalla's odd claim is further discussed below.

[68] Mayer (2001) 49–50 gives a succinct overview of the *lacuna* with bibliography. Current orthodoxy is that it is fairly short, enough for Messalla to complete and Maternus to begin his speech, presumably with a brief interlude.

[69] Murphy (1991) 2291: "[d]espite Messalla's claim, it is not clear . . . how the Roman youth was to exercise his oratorical skills if not by way of declamation or something like declamation."

[70] On the development of declamation, see: Bonner (1949) 27–31; Fairweather (1981) 124–31. Winterbottom (2001) 149: "The *rhetores* were influential in the first half of the first century BC, just as they were under Vespasian."

[71] Hirtius and Dolabella: *Fam*. 9.16.7 and 9.18.1 (46 BCE) with Quint. *Inst*. 8.3.54 and 12.11.6. Hirtius and Pansa (coss. 43): *Att*. 14.11.2; 14.12.2; 14.20.4; 14.22.1 (44 BCE); Quint. *Inst*. 12.11.6; *grandes praetextatos*: Sen. *Con*. 1 *praef*. 11; Suet. *Rhet*. 1.

[72] Bonner (1949) 22–5 details many of the topics covered by these exercises, noting their connections to Roman law and their similarities to themes found in Seneca the Elder. Quintilian would devote a lengthy chapter (*Inst*. 2.4) to the *progymnasmata*.

of practice speeches to the eminent career of G. Carbo (cos. 120).[73] Quintilian, writing perhaps only a few years before the *Dialogus*, traces back declamation to at least Demetrius of Phalerum in the fourth century BCE, remarking on the origins of Latin declamation towards the end of Crassus' life, presumably in the 90s BCE (2.4.41–2).[74]

In the details surrounding the origins of Latin declamation, Messalla's odd rewriting of the past also give reason for pause:

> at nunc adulescentuli nostri deducuntur in scholas istorum, qui rhetores vocantur, quos paulo ante Ciceronis tempora extitisse nec placuisse maioribus nostris ex eo manifestum est, quod a Crasso et Domitio censoribus claudere, ut ait Cicero, "ludum impudentiae" iussi sunt.
>
> Yet now our young men are brought to the schools of those called "rhetoricians." It's clear that they came into existence shortly before Cicero's time and that our ancestors disapproved of them from the fact that they were ordered by Crassus and Domitius to close the "school of brazenness" (as Cicero says). (35.1)

Crassus had remarked that:

> Latini . . . hoc biennio magistri dicendi exstiterunt; quos ego censor edicto meo sustuleram, non quo, ut nescio quos dicere aiebant, acui ingenia adulescentium nollem, sed contra ingenia obtundi nolui, corroborari impudentiam.
>
> Within the last two years Latin teachers came into existence, whom I had removed through my edict as censor, not because (as it's reported that some people say) I didn't want the talents of young men to be sharpened; rather, I didn't want their talents to be blunted while their brazenness was made strong. (Cic. *de Orat*. 3.93)

Crassus and Domitius disapproved of the *rhetores Latini* not because they taught declamation, but because they taught rhetoric in Latin rather than Greek.[75] A reader with Cicero's text in mind (and perhaps the original

[73] The language includes what would eventually become known as declamation: "he would typically exert much effort on practice speeches and compositions" (*in exercitationibus commentationibusque multum operae solitum esse ponere*, Cic. *Brut*. 105). The same language resurfaces in Cicero's narration of his own youthful training: *Brut*. 305 (*commentans oratoriis . . . exercitationibus*) and *Brut*. 310 (*commentabar declamitans*).

[74] Quintilian also adamantly supported declamation as an exercise, e.g. at 2.10. There is a further possible irony in Messalla's claims, since Quintilian says (*Inst*. 2.4.42) that he discussed the inveterate origins of declamation in another writing, often thought to be the treatise (now lost) *de Causis Corruptae Eloquentiae*, on which see Brink (1989).

[75] Tacitus has Messalla state that they ordered the schools closed (*claudere . . . iussi sunt*). Crassus uses the verb *sustuleram*. Neither adequately reflects the fact that censorial disapproval was non-binding.

edict) will find that Crassus supports, though somewhat reluctantly, education among Greek *rhetores* precisely *because* of its pedagogical and moral efficacy: *apud Graecos, cuicui modi essent, videbam tamen esse praeter hanc exercitationem linguae doctrinam aliquam et humanitate dignam scientiam* ("Nevertheless I saw that there was among Greek teachers, whatever their value, in addition to this exercise of the tongue, a certain learning and knowledge worthy of culture," 3.94). It was the brazenness (*impudentia*) acquired at the hands of the *rhetores Latini* to which Crassus objected, since it allegedly dulled young men's natures (*ingenia obtundi*, 3.94).[76] Messalla picks up on a central term in Crassus' explanation when he remarks that the schools or their pupils damage individual talent (*plus mali ingeniis adferant*, 35.2).[77] The ultimate irony in Messalla's citation of Crassus lies in Crassus' prediction about the co-option of Greek intellectual subject matter into Latin:

> quamquam non haec ita statuo atque decerno, ut desperem Latine ea, de quibus disputavimus, tradi ac perpoliri posse (patitur enim et lingua nostra et natura rerum veterem illam excellentemque prudentiam Graecorum ad nostrum usum moremque transferri), sed hominibus opus est eruditis, qui adhuc in hoc quidem genere nostri nulli fuerunt; sin quando exstiterint, etiam Graecis erunt anteponendi.
>
> And yet I don't judge and decree on this matter as if I despaired that the things about which we've been talking could be handed down and made elegant in Latin, since both our language and the nature of the matters allow that inveterate and excellent knowledge of the Greeks to be adapted to our custom and tradition; but it would require learned men, of which, in this field at least, none yet exist among our people; but if they do exist some day, then they'll outrank even the Greeks. (*de Orat.* 3.95)

Crassus believes that Greek *prudentia*, including the material integral to the orator's education, can be adapted to Roman customs by men of deep

It would appear that Messalla's (Tacitus'?) rendering of the historical facts is drawn from Crassus' statements in *de Oratore*. As an anonymous reader points out, Messalla's failure to distinguish the Greek and Latin *rhetores* may ultimately reflect the ascendency of the *rhetores Latini* at Rome. Understandably, Quint. *Inst.* 2.4.42 glosses over Crassus' rejection of the Latin orators by merely noting that the schools began towards the end of Crassus' life and by pointing out the renown of L. Plotius Gallus.

[76] Scholarship on the censors' motivations long held that members of the elite objected to instruction in Latin because it might popularize rhetorical instruction by making it available to a larger segment of Rome's (non-Greek speaking?) population. Gruen (1990) 190–2 sees the edicts rather as an affirmation of "the Hellenic character of Roman higher education" (190). By Tacitus' time the distinction was no longer pedagogically useful: Greek and Latin rhetorical education went hand in hand.

[77] The emphasis on *ingenia* also comes up in Cicero's early letter to Titinius (Suet. *Rhet.* 26.1).

learning, who would, accordingly, surpass their Greek predecessors.[78] In the Ciceronian account to which Messalla's citation directs us, the prospect of Latin *prudentia* is cast as a benefit to the development of oratory. Cicero's Latin writings on rhetoric and philosophy, as well as the rise of a figure such as Quintilian to the chair of rhetoric under the Flavians, would bring to fruition this development in rhetorical history at Rome.

Yet most tellingly of all Messalla himself, through a dramatic interjection, gives evidence in support of declamation. Upon arriving he lauds the assembled party:

> me vero . . . sermo iste infinita voluptate adfecisset, atque id ipsum delectat, quod vos, viri optimi et <optimi> nostrorum temporum oratores, non forensibus tantum negotiis et declamatorio studio ingenia vestra exercetis, sed eius modi etiam disputationes assumitis quae et ingenium alunt et eruditionis ac litterarum iucundissimum oblectamentum cum vobis qui illa disputatis adferunt, tum etiam iis ad quorum aures pervenerint.
>
> Your conversation surely would have given me endless pleasure. And it delights me that you excellent men, the <greatest> orators of our day, not only train your talents by forensic activity and declamatory study, but that you even take up the sort of discussions which both foster talent and bring a most pleasurable enticement of literary culture both to yourselves as debaters and likewise to an audience. (14.3)

We have here yet another reference to the immediate *mise en scène*, an implicit justification of Tacitus' own dialogue by appeal to the principles of education and pleasure, cherished by interlocutor and audience alike.[79] Messalla will subsequently rib Aper for adhering to the rhetorician's techniques – one of many touches of humorous relief – but at this point he bears no trace of disdain for the usefulness of declamation in training the orator. The term *ingenium* is twice used to assess the beneficent influence of declamatory training, courtroom practice, and domestic discussions. Although Messalla's later speech attacks declamation, other portions of the dialogue, including this dramatic interjection, produce a different picture.[80] Mock speeches contribute to oratorical education when

[78] Through Crassus Cicero indulges in some retrospective self-memorialization, since he was foremost among the figures of the Late Republic to naturalize Greek rhetoric (and philosophy) in Latin. LPW IV.313 emphasize especially Cicero's philosophical encyclopedia, but it is hard to see how the immediate emphasis is not also on the Latinizing of rhetorical material (the *prudentia* which reunites the fields of rhetoric and philosophy).

[79] Hirzel (1895) II.58–9 compares the passage to metacritical remarks on writing and composition in the *Phaedrus*. Cf. Cic. *Brut.* 231.

[80] Despite immense recent interest in declamation and a virtual volte-face in opinion about this rhetorical form (cf. e.g. Gunderson [2003]), Messalla's statements about it have received little

complemented by other methods and when practitioners remain aware of the difference of declamatory practice from actual forensic practice, hence Messalla's distinction of *forensia negotia* from *declamatorium studium* in a sentence that nevertheless praises both sources of oratorical facility.

The larger picture that emerges from Messalla's dramatic espousal and his subsequent criticism is fully in consonance with other observers of declamation in the Empire.[81] Quintilian adamantly espoused declamation while pointing up its potential misapplication. Declamation must always look to the forum: *declamatio, quoniam est iudiciorum consiliorumque imago, similis esse debet veritati* ("declamation, since it's an imitation of court cases and deliberative counsels, ought to resemble real circumstances," *Inst.* 2.10.12). Pliny effusively praises the Greek declaimer Isaeus (*Ep.* 2.3), but at the same time complains of young men who appear in the centumviral courts fresh from the schools, inadequately prepared, and with a band of *claqueurs* to applaud their follies (*Ep.* 2.14). Warnings against over-reliance on declamation were equally commonplace in earlier authors. Seneca the Elder saves for us the notorious example of the declaimer Latro, who fell flat in a real court of law.[82] Seneca likewise documents similar complaints of orators such as Asinius Pollio, Cassius Severus, and Votienus Montanus.[83]

Messalla draws on a staple of Roman rhetorical texts: the need to distinguish carefully the orator's task from some allied practice or body of knowledge. In Cicero it is less the punctilious *rhetores* than the quibbling philosophers who are unfit for the bar.[84] The common point in all these complaints is that allied practices or fields contribute to the orator's training, but should not be confused with oratory proper. Messalla's exaggerations, his admission of declamation's value, and the meaningful misreading of Cicero all demonstrate that, in the overall picture, declamation does not necessarily lead to decline, but, in accord with thoroughly conventional prescriptions, should move the advancing orator towards the real goal of

attention in the scholarship on the *Dialogus*. Hömke (2002) reads Messalla's speech as ironic overstatement. At the very least, it should be clear from this essay that scholars should be chary of citing Tacitus as an ancient authority against declamation (even if Messalla echoes common criticisms of declamation).

[81] Bonner (1949) 80–2 details the copious examples.

[82] Sen. *Con.* 9 *praef.* 3; cf. Quint. *Inst.* 10.5.18. Cassius Severus, often thought to be a watershed in oratorical development (19.1), had nearly the opposite problem: best in person, he did not translate well to the page.

[83] Again, Bonner (1949) 72–4 collects the material.

[84] A trace of this idea has left itself in Tacitus' remarks on Helvidius Priscus' defeat at the hands of Eprius Marcellus; the Stoic philosopher was no match for the skilled orator, and Tacitus may have incorporated this piece of information as a nod to Cicero's remarks about Publius Rutilius Rufus for his refusal (inability?) to defend himself adequately against charges of extortion. Cf. *de Orat.* 1.227–30 and *Brut.* 115. On Rutilius see Kallet-Marx (1990).

forensic achievement.[85] Tacitus has brilliantly orchestrated a critical yet nuanced espousal of declamation through the disparate statements of a single character.[86]

It has often been observed that Messalla outlines a program for oratorical preparation, but no explanation has been offered to reconcile the programmatic elements with the fundamentally pessimistic context in which they occur.[87] Attention to that pessimism can make it seem, on the other hand, as if Messalla argues against the optimistic tenor of Quintilian's *Institutio Oratoria* or that he must be repeating doctrine from parts of Quintilian's now lost work *de Causis Corruptae Eloquentiae*.[88] Repeated inconsistencies suggest a coherent pattern among the alternatives: the more Messalla complains, the more he discloses a vibrant program for the budding orator. Two examples confirm the paradoxical tendency and once again point us toward dramatic and narrative moments which contextualize and shape Messalla's arguments.

First, according to Messalla, the schools only pit speakers of equal age and caliber against one another: *cum pueri inter pueros et adulescentuli inter adulescentulos pari securitate et dicant et audiantur* ("since they are boys among boys and youths among youths, who speak and are heard with equal negligence," 35.3). The *Dialogus* itself pits skilled orators against one another with representatives of two generations: 1) Aper, Maternus, and Secundus; 2) Messalla. Tacitus' status as listener depicts a situation in which a younger man listens to older and more skilled orators, an essential part of the conditions whose evanescence in the modern age

[85] Brink (1989) 476 summarizes: "let declamation be an exercise and not an end in itself."

[86] Similar dynamics are found in Petronius' *Satyrica*, in which Encolpius criticizes declamation while himself declaiming (*declamare*, Petr. 3; discussed in Chapter 1). See Kennedy (1978), Gunderson (2003) 9–12, and Schmeling and Setaioli (2011). Although the point cannot be elaborated here (but is touched on in Chapter 1), criticism of declamation appears to be a central *topos* of declamation.

[87] Murphy (1991) 2290: "Tacitus, through Messalla, calls for a similarly broad education of the orator in his day as well." The present analysis demonstrates what allows us to make this inference. This reading also addresses a hitherto unissued objection to the suggestion that the speeches are "declamations," specifically, how to reconcile Messalla's disapproval of declamation with Tacitus' incorporation of declamatory elements into the dialogue's speeches.

[88] Brink (1989) and (1993) partly aligns Tacitus with Messalla, but reads the work as a rejection of Quintilian's neo-Ciceronianism. On the present reading, we no longer need to think that Tacitus criticizes Quintilian's neo-Ciceronian program through Messalla. The relationship to Quintilian must be revisited entirely. Brink (1989) is still the most accessible study of the scanty material on *de Causis*, but I remain fundamentally sceptical towards a major assumption which allows him to connect both works, namely, that both Tacitus in the *Dialogus* and Quintilian in *de Causis* seek to offer a historical explanation for the decline of oratory in the imperial era; Heldmann (1982) offers a different account. Chapter 7 also revisits the issue *obiter*, but I believe it requires lengthier treatment which is beyond the scope of this book.

Messalla decries.[89] The phrase *pari securitate* indicates the lack of an actual challenge that equal partners offer one another in a debate. *Securitas* is a key term in the *Dialogus*, and mention of it here takes the reader back to 5.3, when Aper had stated: *securus sit . . . et Saleius Bassus et quisquis alius* ("let both Saleius Bassus and anyone else remain untroubled") – at which point he foregoes criticism of Bassus and poets in general and registers his specific complaint against Maternus.[90] Unlike those who will not have to defend themselves, such as Saleius Bassus, Maternus cannot remain *securus* – Aper presses him in debate. The contrast between claim and context once again highlights the exemplary status of the *Dialogus*. True enough, the *disputatio* or *sermo* which describes the discussion is not a mere forensic exercise, but it does demonstrate an alternative to the formulas of the schools, as Messalla remarks upon arrival: *disputationes assumitis quae . . . ingenium alunt* ("you take up discussions which foster talent," 14.3, quoted above). Messalla, however, had argued as if the rhetorical schools were the only possible avenue for training, even as his own admission and his participation dramatize a feasible alternative. That other avenues exist once again redounds to Tacitus' credit, highlighting his own educational achievements as a beneficiary of learned discussions such as those of the *Dialogus* itself.

Second, Messalla condemns modern oratorical preparation *tout court*, but descriptions of both Messalla and Aper offer strong evidence to the contrary. Drawing on Ciceronian doctrine Messalla had desiderated broad learning for the orator and proposed a recognizably Ciceronian ideal:

> ex multa eruditione et plurimis artibus et omnium rerum scientia exundat et exuberat illa admirabilis eloquentia; neque oratoris vis et facultas, sicut ceterarum rerum, angustis et brevibus terminis clauditur, sed is est orator, qui de omni quaestione pulchre et ornate et ad persuadendum apte dicere pro dignitate rerum, ad utilitatem temporum, cum voluptate audientium possit.
>
> From significant learning and numerous arts and knowledge of all things does that admirable eloquence flow out and abound. The orator's activity and ability is not contained, as in other matters, by narrow and limited boundaries. But that man is a true orator, who can speak beautifully and elegantly on every issue and fittingly for persuasion, in accordance with the

[89] Messalla complains that students speak and are heard (*et dicant et audiantur*) with equal negligence. Cf. Cic. *Luc.* 7 (cited further above), who gives both verbs in describing *disputationes*: *in utramque partem dicendo et audiendo*.

[90] *Securitas*/*securus* occurs in a wide range of applications at 3.2, 5.2, 5.5, 10.7, 11.4, 13.1, 35.3, and 37.8, including political and pedagogical contexts (discussed more fully in Chapter 1).

> dignity of matters, to the expediency of the conditions, and giving pleasure to the listeners. (30.5)

When Secundus urged Messalla to discuss the failures of modern oratory, he did so in language that recalled the prerequsites and achievements of an orator:

> "magnam" inquit Secundus "et dignam tractatu quaestionem movisti. sed quis eam iustius explicabit quam tu, ad cuius summam eruditionem et praestantissimum ingenium cura quoque et meditatio accessit?"
>
> Secundus said: "You have put forth a considerable question which deserves to be handled. Yet who will more rightly address it than you, to whose profound learning and outstanding talent both diligence and practice have been added?" (16.1)

The terms *eruditio*, *ingenium*, and *cura/meditatio* allude to the traditional rhetorical triad (*ars*, *ingenium*, *exercitatio*).[91] Secundus offers these remarks not out of mere politeness; social wrangling in pointedly urbane cast such as we find in *de Oratore* does not acquire the same extensive and productive function in the *Dialogus* as it did in *de Oratore*.[92] Messalla, it would appear, is one of the work's great paradoxes, somehow the successful product of a system whose failures he denounces.[93] Yet Tacitus will also detail Aper's educational achievements:

> Aper omni eruditione imbutus contemnebat potius litteras quam nesciebat, tamquam maiorem industriae et laboris gloriam habiturus, si ingenium eius nullis alienarum artium adminiculis inniti videretur.
>
> Aper, who was grounded in all learning, scorned letters more than he was ignorant of them, on the grounds that he would achieve greater fame for his diligence and hard work, if his talent was not seen to lean upon the props of foreign arts. (2.2)

Aper's dissimulating pose plays down the erudition which he nonetheless possesses and which his second speech ably demonstrates. He cites numerous poets and orators and evinces detailed knowledge of Cicero's oratory and technical writings. His bashful erudition is itself modeled on

[91] The triad *ars*, *ingenium*, and *exercitatio* were fundamental to rhetorical teachings, going back at least to Protagoras and Plato's *Phaedrus* (269d). LPW 1.209–11 and Mayer (2001) 94 for discussion and bibliography.

[92] Hall (1996) on this aspect of *de Oratore*.

[93] Compare Aper's resounding praise of the other interlocutors at 23.6.

the description of Antonius and Crassus in Cicero's *de Oratore*.[94] Thus the dramatic presentation of Aper further colors Messalla's criticisms of the present day. Aper's achievements bear the same Ciceronian pedigree which Messalla had found so wanting. In the broader dynamics of the dialogue we are yet again presented with incontrovertible evidence in support of contemporary education.

Admittedly, praise of Aper or Messalla (or Tacitus himself) might suggest their exceptional status, thereby underscoring contemporary shortcomings. Yet the exceptional nature of the interlocutors only reinforces the similarities of past and present – the pre-eminent orators in Cicero likewise stood out from their peers. Cicero could greatly credit the skills of his interlocutors while bemoaning the paucity of truly eloquent orators.[95] Messalla's emphasis on the Ciceronian model allows Tacitus to suggest its continued viability as an ideal, but as one that has always been exceptional. Messalla's failure to distinguish the two only highlights the dangers of believing in retrospect that Cicero's ideal faithfully portrays common practice.

The contradiction of Messalla is telling for our conception of how the speeches relate to the dialogue and its interpretation. Luce argued that the Roman reader would evaluate the speeches "on two levels, as a connoisseur who appreciates rhetorical expertise and ingenuity, and as a critic who is able to size up the underlying strengths and weaknesses of a case."[96] But Messalla's case, when examined for its persuasive effect, cannot stand up to scrutiny. It is not simply that his exaggerations are too pointed; rather, Tacitus pre-emptively wrests the right of judgment from even the most astute critic of rhetorical argument. The "rhetorical effects" are not at all those of *persuasion*, but rather the assertion of Tacitus' authority and literary enterprise through the dramatic mechanisms of the work. Rhetorical judgment of the kind Luce (1993a) proposed seems to have freed us from the constraints of logical consistency by recognizing the

[94] *Crassus non tam existimari vellet non didicisse, quam illa despicere* ("Crassus wished not so much to be thought not to have studied as to scorn these things," 2.4); *Antonius autem probabiliorem hoc populo orationem fore censebat suam, si omnino didicisse numquam putaretur* ("Antonius, however, reckoned that his speaking would be more believable with the people, if he were thought never to have studied at all," 2.4). See Chapter 6 for further discussion.

[95] Compare Antonius' repeated claim that he had never seen someone who was truly *eloquens* (e.g. *de Orat.* 3.54), though he eventually accords the title to Crassus: *inveni iam, quem negaram in eo, quem scripsi, libello me invenisse eloquentem* ("I've finally found an eloquent man, which in the book that I wrote, I had said I'd never come across," 3.189). In the first preface to *de Oratore* Cicero wonders at the paucity of orators: *quaerendum esse visum est quid esset cur plures in omnibus rebus quam in dicendo admirabiles exstitissent* ("it seemed necessary to ask why more admirable men have existed in all things but in speaking").

[96] Luce (1993a) 37.

permissiveness of rhetorical argumentation without discounting it. But when applied too strictly the model is, in its own way, a false freedom. It forces us to examine not only the speeches, but the entire work, in rhetorical terms; and yet the *Dialogus* works against the impulse to judge the speeches solely on the basis of their persuasiveness.

The emphasis on persuasion derives from the idea that readers command the process of evaluation and that they do so on the basis of the plausibility of the arguments. Such an approach appeals to the modern sense of an autonomous community of readers just as it acknowledges a pervasive sophistication in producing and evaluating rhetorical argument at Rome. The set-pieces of the *Dialogus* are evaluated, to be sure, for their plausibility – this is part of the appealing façade that Tacitus has given them. We can readily imagine this style of debate at a domestic gathering of disputants or in the declaimers' public halls. However, it would be wrong to conflate the form of the speeches with the form of the dialogue and the meaning which it creates. The *Dialogus* consists of six rhetorical set-pieces which argue one side of an issue, but the work itself cannot be adequately evaluated as a speech. The dialogue's various arguments (or the statements that it makes or invites us to infer) cannot be reconstructed solely on the basis of the speakers' opinions, however forcibly presented they are, and however well positioned we are to judge them. Thus, to recognize the rhetorical nature of the speeches is necessary to understand their form – to appreciate the cultural milieu which Tacitus so capably evokes – but it is by no means sufficient to explain the significance of the speeches for the work as a whole.

From the perspective of the writer rather than the reader, the issue is essentially one of intent: do the contradictions spring from the inadvertency of the author, who, because of the creative license accorded to rhetorical argument, eschewed or did not know any norm of consistency? Or, alternatively, do inconsistencies indicate features of the dialogue's design, an integral part of its argument to be overlooked only at great peril? I do not wish to reject Luce's observations on the speeches' rhetorical elements but rather to incorporate them into an understanding of the dialogue as a whole. Declamation opens up a possibility for incorporating inconstistencies without necessarily providing the means to understand such inconsistencies for the dialogue, just as speeches in historiography or epic rarely serve to persuade the reader of a single, immediately crystallized, viewpoint. To regard inconsistencies as part of the dialogue's design – as meaningful devices rather than as inconsequential by-products – allows us to explain them pragmatically, that is, in terms of their function for

the larger meaning.[97] Rather than shutting down individual arguments, the natural result of judging arguments by a strictly rhetorical canon, the present interpretive model opens up perceived flaws to interpretation and allows them to further the work's message.

Such cases remind us of the gap that separates brute propositional content from the intellectual or expository possibilities of literary dialogue. The constraints of social decorum, to return to the opening problem of this section, could thus be an impetus for innovation. With decorum, light-hearted banter, and especially with virtuoso displays of rhetorical prowess, the *Dialogus* delivers ostensibly straightforward, persuasive lines of argument, only then to revise them through alternative sources of meaning: pregnant inconsistencies, interconnections among arguments, or other pieces of language in the work, and, beyond it, by intertextual reference. These strategies contribute essentially to the intellectual complexity of the dialogue, allowing the author to voice ambiguity or to engage the reader's interpretive faculties. The countless inconsistencies and contradictions of the *Dialogus* thus reflect the complexity of the issues with which Tacitus has grappled so innovatively. What Roman social graces had taken away from dialogue could find restitution in the inventiveness of literary techniques.

At this point it is also worth asking if internal aspects of the text also shed light on the relevance of "opinion" as a category of analysis. Significant inconsistencies may once again shed valuable light on the issue. Of all the characters, only Messalla is seen to argue a position we can justifiably suspect that he does not hold; his assault on declamation follows his explicit approval of it upon arriving at Maternus' house. The significance extends beyond just the one interlocutor. Messalla prefaces his second speech by claiming that he speaks for everyone:

> non reconditas, Materne, causas requiris nec aut tibi ipsi aut huic Secundo vel huic Apro ignotas, etiam si mihi partes assignatis proferendi in medium quae omnes sentimus.
>
> You're seeking neither abstruse reasons nor ones unknown to you yourself or Secundus or Aper, even if you're giving me the role of putting forward what we all think. (28.1)

[97] For example, the "bad evidence" of the first debate (noted in section 1 above), Aper's *delatores* and Messalla's mythical models, could also be read as a means to add nuance to their arguments. These "internal" concessions prove more valuable when regarded as a supplement to argument. They add limits to the positions advanced (not all oratory is beneficial, nor all poetry unqualified quietism).

We might disregard this comment as a conventional gesture highlighting the deferent *politesse* of its speaker.[98] The passage echoes *de Oratore* 1.137 and 3.148, but Crassus in those instances discusses general precepts of the rhetorical tradition, hence his reluctance to repeat hackneyed, if essential, material. Yet Tacitus, as we have seen on several occasions thus far, is apt to employ such interjections to greater ends.[99] In this case, he dramatizes the conflict between the opinions of the interlocutors and the broader significance of the *Dialogus*. Tacitus has Messalla claim to speak for everyone, only then to contradict Messalla's speech so blatantly.

This single instance would therefore reprise the preface's claim, traditional in many respects, that Tacitus will not present his own opinion, *mea sententia*, but a conversation he once overheard, *disertissimorum hominum sermo* (1.2). The possibility is further reinforced by the brief pause at 33.3–4, in which all the characters are visibly in agreement over the significance of practical training and wish to hear Messalla's views on that subject. Maternus reads assent on their faces: *hi significare vultu videntur* (33.3); Aper and Secundus nod in agreement: *Aper quoque et Secundus idem adnuissent* (33.4). This is the sole moment in which Tacitus explicitly confirms a dramatic statement in the description of the narrative yet he visibly withholds his own assent.[100] If Messalla "speaks for all," then Tacitus' contradiction of his point of view implicitly extends to the other characters as well. Messalla, of course, may wrongly claim to speak for others – certainly it is hard to imagine that Aper shares Messalla's views about the inadequacy of modern preparation even if Aper believes in the ideals of that training – but that conflict only highlights the unsuitability of conviction as a category for analysis of the *Dialogus*.

We can read the same tendency to propose and then to undermine opinion when Messalla says that each interlocutor will bring forth his sincere conviction (*iudicium animi*, 27.2. quoted above). Tacitus has dressed up this interjection as a scene from Cicero, but whether the interlocutors defend a certain point of view is no longer relevant in the same way it was when Catulus in *de Oratore* was happy to have his dedication to

[98] Mayer (2001) 176: "a formula of modesty." Mayer is right, but we can also distinguish the formal feature from its function in the work; the formula may still serve a purpose in Tacitus that it did not in Cicero.

[99] Chapter 3 also discusses the larger relevance of comments made between the speeches.

[100] Note that, unlike the use of the plural, such as *discessimus* at the work's conclusion, Tacitus does not include himself in *adnuissent*, even if we might at first have suspected him to be indicated by the demonstrative *hi*. Tacitus creates a dramatic opportunity to express solidarity with the interlocutors but then ostentatiously backs away from it.

learning confirmed by Antonius.[101] Messalla's comment only confirms a series of infelicitous statements which fail in a notorious, even exemplary, manner. At the same time these failures point back to a more coherent pattern, even if the individual elements of that pattern are inconsistent or ambiguous, and our inferences from them are potentially open-ended.[102] This way of reading does not banish Tacitus' own judgments from the work but rather seeks them out in less obvious locations: Messalla's intratextual contradiction, commentary on the argumentation (Maternus on Aper, 24.1), and even on the underlying conventions of the dialogue tradition (the refusal to validate a given opinion unequivocally). As Tacitus carefully distances himself from explicit agreement with the interlocutors he also supports certain ideas and strategies of argument at different points along the way.

Argumentative dynamics and the *Dialogus*

The prolegomena to Quintilian's canonical reading list in Book 10 of the *Institutio* urges circumspection and re-reading:

> nec per partes modo scrutanda omnia, sed perlectus liber utique ex integro resumendus, praecipueque oratio, cuius virtutes frequenter ex industria quoque occultantur. Saepe enim praeparat dissimulat insidiatur orator, eaque in prima parte actionis dicit quae sunt in summa profutura; itaque suo loco minus placent, adhuc nobis quare dicta sint ignorantibus, ideoque erunt cognitis omnibus repetenda.
>
> We must not only examine everything in each part, but upon completing a book we must definitely take it up again, especially a speech, whose qualities are often hidden actually by design. You see an orator often sets things up in advance, hides them, lays traps, and says things in the first part of the speech which will bear fruit in the last; and so some things please us less where we actually find them, since we don't yet know why they were said, and so we have to revisit them once the whole is known. (*Inst.* 10.1.20–1)

The prescription to re-read recognizes both the sophisticated workings of a book – of speeches in particular – and demonstrates the extent to which authors and readers should be alert to the relationship between the individual elements in a work and its larger design. Closer, repeated examination uncovers the workings of a text, and ostensible faults may be

[101] 2.363: *gaudeo iudicium animi mei comprobari* ("I'm happy to see my sincere judgment corroborated").

[102] Chapter 3 discusses how the dialogue repeatedly puts forth the possibility of a discussion of decline, only then to move away from any such discussion in a conspicuous manner.

revealed as hidden virtues. Maternus seems to suggest the same possibility for the *Dialogus* at its conclusion, as he remarks to Messalla that they will revisit the points of discussion if anything in his speech seemed unclear: *si qua tibi obscura in hoc meo sermone visa sunt, de iis rursus conferemus*. While this chapter has insisted that a dialogue and a speech are distinct kinds of rhetoric with different functions and especially that dialogues do not necessarily persuade an audience in the way a speech might, the similarities are also significant: rhetorical techniques are a key element within literary dialogue, and understanding them is a necessary if insufficient condition of reading.[103]

It is worth taking stock at this point and considering what kind of interpretation best suits the *Dialogus* in the absence of character-based readings (the equation of the author with a speaker) or persuasion-based readings (the equation of the author with a single position, either of one speaker's opinion or some amalgam of opinions). Different questions emerge: what kind of argument does dialogue offer, how does it go about creating meaning, and what does it expect of its readers? This chapter concludes by reviewing and synthesizing observations made thus far and then offering a set of interpretive principles, some of which can explain the material already discussed, and some of which the subsequent chapters will test through further examination.[104] A number of essential characteristics describe the *Dialogus*:

1 The absence of an immediately distinguishable, uniform message which we can uncomplicatedly identify with the author's opinion.
2 Rhetorical plausibility in a work's speeches alongside contradictions and errors in them or between speeches and texts outside them.
3 The immediate surface content of the speeches does not alone determine the message that emerges from the work. To "bullet point" the main arguments as Chapter 1 did in its summary of the *Dialogus* will only take us so far and will likely lead to the wrong place.

[103] Though Quintilian provides useful insights into reading at Rome towards the end of the first century, he will not necessarily provide a normative account for reading dialogue or any text for that matter. How ancient authors shaped their own texts and imitated their forerunners' works reveals as much as explicit discussions of textual theories and categories; Hardie (1993) and Farrell (2003), with Heath's (1989) attempt to explain how ancient theoretical works can outline useful hermeneutic approaches and relieve us of certain stifling preconceptions about ancient texts.

[104] The interpretive model for the *Aeneid* in Ahl (1989) is powerful in its ability to describe how rhetoric functions within literary texts (e.g. forms of indirect persuasion or exculpation, as well as jockeying for position). His discussion of speeches in epic shows how rhetorical principles can be applied more generally to the functioning of literary texts and can help to illuminate the workings of other genres, such as literary dialogue.

4 The *Dialogus* incorporates a paratactic array of speeches into the work, but the parts do not define the whole. The speeches are not self-contained units of meaning: as a corollary to the idea that the persuasiveness of a speech and the character of a speaker are inadequate criteria, we cannot simply examine speeches as hermetic units unavailable to hermeneutic processes that draw their meaning from somewhere else.
5 The fact that rhetorical presentation permits inconsistencies in a speech or speaker need not also fully determine the meaning of such inconsistencies. One is a matter of the freedoms and conventions of presentation, the other of the literary device which imparts meaning to the whole. Because the presentation of an argument is not identical with its larger message in the work, we must distinguish formal structures from the structures of meaning.
6 By the same token, the speakers serve as authoritative figures whose speeches are exemplary pieces of persuasion; this is part of what the dialogue "does" rather than "means." The work creates scenarios of authority as laudable ideals for imitation.
7 The sophisticated and episodic composition of the work requires that the reader consider and reconstruct different possibilities of interpretation.

These observations can lead to a different set of assumptions which, at a more general level, bear directly on how we define Roman dialogues and the strategies with which to read them. It may produce a coherent interpretation to assume that the *Dialogus* is about the thesis of decline and then siding with either the two speakers who defend that thesis (if we believe Messalla or Maternus) or the one who argues against it (if we believe Aper). But that procedure will necessarily discount large parts of well-crafted and convincing argument no less than it necessarily overlooks inconsistencies which are irresolveable in light of historical reality, the rhetorical tradition, or the artistic plausibility of an argument within the *Dialogus*.[105] Dialogue requires the interpretive engagement of the audience in order to create meaning, but that process involves much more than the evaluation of arguments for plausibility. It is important to remember that

[105] Thus even the most radical solutions thus far to Maternus' apparently inconsistent stances in his two speeches, irony or doublespeak, for all their attractiveness, do not resolve other fundamental problems: why are the arguments so rhetorically flawed in his first speech and the description of forensic circumstances so historically flawed in his second? Put otherwise, why should we think Maternus a credible witness to the failure of the imperial system when his account of the shortcomings it produces could hardly be accepted by a discerning contemporary?

the problems we face with the *Dialogus* are not contradictions or errors that arise from faulty composition or reception, i.e. that they might disappear if we better understood the work's contexts and final message or if Tacitus had exercised greater authorial scruple.[106] Tacitus himself gives good reason to value contradictions and to pursue the line of analysis proposed here.

This framework for analysis is grounded in the text (it is not only hermeneutic or external but visible at the formal level internal to the text). If we read the contradiction of Messalla paradigmatically, then it demands more generally that we look beyond the work's surface arguments. This, in turn, gives us a new perspective onto the author's distancing of himself from any fixed viewpoint. Tacitus' epistemological aloofness is a fruitful trademark of the genre, a feature that enables dialogue's intellectual contributions precisely because readers are constantly required to weigh and revisit arguments, active participants in the "effect of a total pattern."[107]

What this means exactly can be tied into a number of significant aspects of the text and how we define its larger design. So much of the dialogue's meaning lies in the interplay between the episodic divisions and the organic construction of the work. The dialogue dramatizes a series of compelling, contrary positions without immediately making clear how they fit into a coherent logical scenario. It presents credible opposed arguments while interlacing their trains of thought in various ways: the reprising of a key theme without direct reference to earlier discussions of that theme, textual redirection through intra- and intertextual reference, direct citation of literary predecessors, implicit answers within the text of one speech to the problems of another, or even the oblique response of extra-argumental statements, such as the text between the speeches and the introduction, which point out significant leitmotifs or even make epistemological points through dramatic comments.[108]

What can we make of these features of the *Dialogus* and what does this mean for interpreting the *Dialogus*? A working principle of this book is that Tacitus reveals many techniques by which to understand the *Dialogus*, such

[106] Winterbottom (2001) distinguishes "early-Maternus" from "late-Maternus" in the *Dialogus*, regarding the split as Tacitus' failure to revise the text in a way that would make Maternus consistent across the work – a philological solution to a hermeneutic problem.

[107] Brooks (1947) 194, but with Heath (1989) for problems in modern assumptions about "unity" in ancient (Greek) texts.

[108] Goldberg (1999), Winterbottom (2001), and Levene (2004) demonstrate in different ways how the speeches can be read fruitfully in a more unifying fashion. Bartsch (1994) 98–125 is a special case, because she finds coherence between Maternus' two speeches based on their incompatibility: the first criticizes the imperial system and its oratory, whereas the second's apparent praise of Vespasian and imperial order should be read as doublespeak. The irreconcilable messages unite the two. Fantham (2004) 274 and 326 on leitmotifs.

as the author's self-assertion as a rhetorical role model or central aesthetic and social values. In the definitions provided here and the analysis of the subsequent chapters I emphasize the workings of the *Dialogus* with respect to its traditions on the one hand, and, on the other, to the socio-cultural framework in which the genre evolved. My overarching designation with which to understand the intellectual discourse that emerged is "argumentative dynamics." This is in essence a theory of reading dialogue, but a theory inferred from the conventions, habits, codes, and strategies of the texts themselves.

The framework in what follows is functional and immanent, examining how dialogue functions to create and communicate meaning, and recovering these functional strategies directly from the texts.[109] This means that many features which have thwarted analysis thus far may in fact point us towards a useful set of new assumptions. The criteria offered are taken both from the text and from the tradition, that is, I seek to ground any principles in the evidence of the dialogues wherever possible.[110] The working assumptions are that the *Dialogus*:

1 provides criteria by which the various positions in the dialogue can be judged without requiring us in every instance to adopt or resist a given position.
2 revisits or corrects arguments through indirect means, such as intra- or intertextual reference, the espousal of a position that would seem to modify (but not necessarily contradict) arguments provided elsewhere in the same text.
3 establishes coherent interconnections between speeches through key themes, vocabulary, or the implications of an argument which are only made more fully clear in the context of a distinct discussion of a similar topic.
4 conspicuously exaggerates positions or overstates a case in order to redirect us towards more sympathetic possibilities.
5 requires greater attention to the speeches by forcing us to revisit the work's proofs in connection with the historical plausibility of evidence as it is presented.

[109] Essentially the process is inductive, although it may have more in common with what W. J. T. Mitchell has called adduction (in distinction from deduction or induction) to understand the internal workings of a tradition: "particulars may illustrate or exemplify general principles, but the process of adduction itself always remains at the level of particulars . . . Adductive proofs rely . . . quite heavily on authority and tradition" (Mitchell [1985] 6 n. 3).

[110] Brooks (1984) xii: "Most viable works of literature tell us something about how they are to be read, guide us toward the conditions of their interpretation."

6 among its unifying tendencies, relies on "synthetic argument," in which a larger coherence between incompatible or even contradictory positions can be reconstructed through the reader's engagement with the text; reading in this case is not simply in a linear progression through the work, but requires readers to read back and forth between arguments.
7 draws meaningfully on texts of the tradition as it distances itself from them; the changes can partly be explained by setting the *Dialogus* in a particular cultural and historical moment, which in turn explains its uniqueness from Ciceronian values.

From these definitions emerges the broader idea that a work's rhetorical and literary elements are essential to an appreciation of dialogue, which operates much more with the framework that we would expect from literary texts than from the allegedly straightforward exposition of prose dialogue. But it should be emphasized that the rhetorical aspects are not alien elements adorning the core message, not the "bloom on the rose." Rather, these features constitute that core message, as in the intratextual contradiction of Messalla, which ultimately ties into the literary tradition of predicting forensic luminaries and the cultural habit of elite self-assertion at Rome.

Another important element in judging the dialogue is its engagement with prior texts, cases in which certain motifs or textual strategies are reworked by successive members of its tradition. How do the perspectives of Tacitus, looking back to Cicero's writings, provide a window onto past texts, onto their conventions, permutations, and ultimately onto the historical moment which gave rise to Cicero's rhetoric? While the genre reveals to us some possibilities for interpretation, genre itself is never a static object.[111] Authors innovate in ways unanticipated or fully explained by reference to the predecessors and in ways which allow later authors to explicate and update the inherited material. Tacitus writes the *Dialogus* with and against the dialogue tradition in a manner that, as Philip Hardie says of the *Aeneid*'s epic successors, "exploited the energies and tensions called up but not finally expended or resolved" in the predecessor.[112]

This leads to a broader problem in assessing Cicero's dialogues as models, since the Ciceronian form of the *Dialogus* need not have Ciceronian meaning.[113] There are no objective criteria for how to identify and how to arbitrate the reminiscence of a literary scenario versus an intertext's direct evocation of another member in the tradition. Take the example of

[111] Well explored in Farrell (2003). [112] Hardie (1993) xi.
[113] Emphasized in Luce (1993a) and Goldberg (1999).

Aper, whom we could slot into a long line of brash exponents of personal power and advantage, such as Polus in Plato's *Gorgias*, Thrasymachus in Plato's *Republic*, his Latin counterpart Philus in *de Republica*, and perhaps Sulpicius in Cicero's *de Oratore*. But these comparisons may not bear fruit when thought of as direct analogs. Though certainly adamant about his positions, Aper is more deferent than these more boorish ancestors; his arguments are far sounder, and, most importantly, a series of direct allusions to *de Oratore* show that he is most closely modeled on Crassus and Antonius.[114] That is where the *Dialogus* ultimately directs us, and even as Tacitus suggests it as a distant possibility from the tradition, we may in fact have to read this amalgam *against* the idea of Aper as Tacitus' version of Polus/Thrasymachus/Philus/Sulpicius.[115]

Despite this perhaps unfamiliar way of conducting the business of reading dialogues, I want to address some possible objections. To emphasize all the parts of the *Dialogus* does not mean that the speeches become less important or that they should somehow be neglected. It means rather that they require even closer engagement on the part of the reader (as Quintilian advised). Paradoxically, to downplay the sheer persuasive force of the speeches gives them greater significance. Readers are constantly called on to fill in gaps in the process of examining the text.[116] We are likewise encouraged to revisit arguments and weigh the possibility of what a given position has entailed once we encounter an alternative or even abandon the original position. Thus our inability to embrace a position unreluctantly is not an obstacle to meaning; in many cases it is the meaning, the self-aware action assumed by the reader in the midst of competing possibilities.[117]

[114] Chapter 6 more fully explores the subject in light of the intertextual relationship between the *Dialogus* and Cicero's *de Oratore*.

[115] *Pace* Rutledge (2000). In terms of the scholarship on reading Plato's dialogues, I have found salutary considerations in Stokes (1986) 1–35, with a cogent summary of that approach at Stokes (2005) 1–13. Nightingale (1995) is also illuminating for the literary interactions between Platonic dialogue and other genres. Accounts of a broadly philosophical stripe can be found in Klagge and Smith (1992). The methodology of Blondell (2002) may have something to contribute to readings of Roman dialogue, especially by considering how certain types of individual tend to make certain kinds of statements. I have generally avoided character-oriented readings because they do not seem to me as productive for the *Dialogus* as they might be for Plato, but Chapter 7 partly discusses literary history and criticism in the *Dialogus* by considering the prejudices and assumptions each character brings to bear on the problem (cf. Stokes [1986] 27–32). Stokes (1986) 9–10 valuably emphasizes the difference between dialogue and philosophical treatise.

[116] Bing (1995) on the *Ergänzungsspiel* (roughly: "game of completion") is particularly relevant for one understanding of ancient readers.

[117] The style of reader-response outlined in Fish (1980) 21–67 is especially useful for many of the interpretive assumptions made here, although my emphasis in the *Dialogus* is on larger tracts of argument across a work, whereas Fish tends to be most interested in readers' engagement

The theory offered here, if it can be called that (rather than say, a series of observations that suggest a malleable interpretive framework), is not meant to establish a normative set of principles that are capable of totalizing our experience of the *Dialogus* or other members of the tradition. These assumptions are not "frameworks on which to stick evidence, but . . . scaffolding to be removed as the evidence accumulates."[118] I also want to make it clear that this method here does not preclude persuasion or character as integral parts of the dialogue.[119] They undoubtedly play a role within it – the speeches are exemplary pieces of persuasion, and the audience is surely meant to regard them as models of rhetoric – the *Dialogus* tells us as much. Likewise, the interlocutors' character types still have significance in the work. This fitting-room of *personae* gave opportunities for reflection on possibilities for elite self-fashioning in the imperial world. But the presence of these aspects in the *Dialogus* does not mean that they should be the sole criteria by which we assess its meaning. They exist as parallel elements in the hermeneutic framework through which Tacitus operates.

The following chapters aim to shed light on one of the most fascinating, rich, and perplexing texts of antiquity and to show that Tacitus has left us a magisterial rendition in the dialogue genre. A close reading of the speeches as interconnected examinations of *eloquentia* will demonstrate just how expressive, powerful, and sophisticated the Roman dialogue form could become even after the remarkable and innovative corpus left behind by Cicero. We will get to the speeches soon, but before that it will be necessary to return to the beginning of the work, to examine the introduction and the "interstitial" passages, the meaningful dramatic interjections and interludes between the speeches.

with single sentences and paragraphs. However, cf. Fish (1980) 37–41 (on Plato's *Phaedrus*). For reader-response in Classics, see Schmitz (2007) 86–97.

[118] Johnstone (2011) 3.

[119] I don't intend to dismiss out of hand theories of "doublespeak," such as Bartsch (1994) 98–125 and, more recently, Strunk (2010), which build on Ahl (1984) (rather than Ahl [1989]). However, on the model presented in this book, the interlocutors need not be "characters" (in our sense of a psychic and intellectual whole captured in the physical whole of a single being) for us to connect the work's speeches, including the contradictory arguments of a single interlocutor who may be said to assume a different *persona* for a different kind of argument. One can still inquire, for example, into Maternus' distinct, perhaps irreconcilable, attitudes towards the powerful, just as one can evaluate the syncrisis of orator and poet in the first debate. Unity of character is not a prerequisite to any of these interpretive procedures. Contrast the objections to Luce (1993a) in Winterbottom (2001) 151, citing Bartsch (1994) 113, and the rejection of Luce (1993a) with an insistence on coherent character at Strunk (2010) 247–8.

CHAPTER 3

Interstitial strategies and reading around the speeches

Readers of dialogue tend to accord greatest significance to the interlocutors' arguments. The speeches of the *Dialogus* have garnered the lion's share of attention, as critics have assessed the competing viewpoints individually for persuasiveness and plausibility. The approach is a seemingly natural reaction to the agonistic formalism of the piece, which explores a diverse set of topics through eristically paired declamations. At the same time that interpretive tendency – however fruitful thus far – overshadows connections that reconcile the speeches to one another or that communicate across them.[1] The sections outside the speeches have suffered the greatest neglect since, except for select parts of the preface, the scrutiny accorded to them pales in comparison with that accorded to the speeches. Scant attention corresponds to perceptions of significance: scholars thus far have attributed to these passages a function solely in the mechanics of the work but not in the substance of its debates.

Yet the space Tacitus devotes to setting up the dialogue and to framing the speeches within the dramatic sections has considerable bearing on interpretation. These "interstitial passages" not only effect smooth transitions from one speech to another, they also contain important hermeneutic gestures that give the work direction. Tacitus' narrative and the interlocutors' dramatic statements need not immediately support or refute a point of contention within the speeches, and so, while they may add meaning to our readings, the precise nature of that meaning must be deduced by

[1] Mayer (2001) 27–44 discusses the layout of the dialogue and its traditional division into three pairs of opposed speeches. There are exceptions to the practice summarized here: Murphy (1991) on metaphors relevant to the question of rhetorical education; Levene (2004) on the developing conception of literary history across the work's speeches. Luce (1993a) may be regarded as the logical culmination of the tendency to atomize the dialogue. He reconciles perceived contradictions by arguing that the interlocutors deliver distinct declamations without an organic relationship to one another. While he correctly identifies the declamatory context in which to understand the individual speeches, the explanation cannot fully account for the dialogue's broader thematic and argumentative consistency. See Chapter 2.

weighing the statement against the broader terms of the work. Chapters 1 and 2 outlined how statements external to the speeches create a meaningful framework through which dialogues develop key themes in tandem with those developed in the speeches. The most prominent example there was the intratextual "contradiction" of Messalla's claims about the demise of the *tirocinium fori* (Chapter 2). Throughout the *Dialogus* central topics of discussion and key vocabulary are reiterated or reshaped through the interlocutors' comments (Chapter 1). The interstitial passages touch on issues that resurface in the speeches, and, as a consequence, they can appreciably guide our perceptions of a particular standpoint or theme, including, as the final section of this chapter will show, how central ideas developed outside the speeches provide significant context to the statements and vocabulary of a speech.

The interstitial passages also allow an author to indicate specific criteria of evaluation for the speeches and for the construction of the dialogue itself: these miniature dramatic scenarios can be metacritical in nature. An author comments on his own text by embedding in it interpretive gestures and reflections on the dialogue, on the interlocutors, and on the values and argumentative strategies brought forth during the discussion. Consequently, these passages have immense potential to reveal the workings both of individual texts and also of the genre at large. The present chapter investigates the argumentative dynamics of the *Dialogus*' interstitial passages, that is, the statements that emerge from the prefatory remarks, from the dramatic interludes, and from the organic relationship of these passages to the debates. Beginning with concepts laid out in the preface, especially "talent" (*ingenium*), "judgment" (*iudicium*), and various terms for "renown" (*laus*, *fama*, *gloria*, *nomen*), this chapter examines the categories which describe the evolution of *eloquentia*. It then assesses key related themes brought out in the interstitial passages, such as pleasure and education as well as offense and *libertas* ("freedom," "outspokenness"). Though the main emphasis is on the interstitial passages, it necessarily involves relating those passages to specific claims made in the speeches.

The preface and decline

"The decline of oratory" is the catchphrase that dominates summaries of the preface, and most analysis of the work relies on that premise and its ramifications even though Tacitus nowhere uses those terms.[2] There are a

[2] Luce (1993a) 16 cogently presents such a view: "It is clear, for example, that Tacitus himself is convinced of the fact of oratory's decline, as he states in the opening sentence: the question is not whether there has been one, but why."

number of shortcomings in seeing the *Dialogus* as a treatise on the decline of oratory. More immediately, there is considerable uncertainty about the identity and the content of the opening question, which is put into the mouth of Fabius Iustus and whose terms Tacitus only partially repeats. Discussion of late has begun to challenge the extent to which Tacitus endorses the thesis of decline.[3]

Yet incoherence of the dialogue as a whole is the most striking problem, since the theme of decline is relevant to only some of the speeches. Why, for example, does Tacitus devote so much space to Aper's dogged championship of modern oratory and of the stylistic values common to Tacitus' age and his historical writings?[4] Likewise, Messalla's disparagement of modern education and training presents a number of contradictions that seem to exclude it as a feasible explanation of decline, and, if the analysis in Chapter 2 is correct, the *Dialogus* in fact uses Messalla to promote the viability of modern educational practices.[5] Furthermore, what are we to do about the first debate, which discusses not decline, but the social contexts of poetic and oratorical *eloquentia* as a means to acquire renown? By posing the thesis of decline and then providing a number of unsuitable answers, the *Dialogus* would seem to put into place a continual process of raising expectations only to defeat them. It is possible to circumvent these difficulties by claiming that Tacitus postpones his true answer until Maternus' final speech, an interpretive strategy that pushes onto one speaker the role of Tacitean mouthpiece. By this logic the vast majority of the work only obliquely illuminates its stated theme. Yet even Maternus' explanation has

[3] Goldberg (1999) has challenged the work's alleged statement of decline in part by comparing the preface to its Ciceronian forerunners. Though closely following inherited Ciceronian conventions, it remains anything but conventional. Haß-von Reitzenstein (1970) also discusses Tacitus' deviation from the Ciceronian forerunners. Goldberg (1999) 224 notes: "The work makes only one unqualified statement of oratory's decline. It appears in the very first sentence." Goldberg further suggests that Tacitus' manipulation of dialogue conventions indicates that he does not share Fabius Iustus' view of decline. Mayer (2001) 31 seems to argue against Goldberg and reads the opening questions as a clear corroboration of the thesis of decline. The following analysis works around these conflicting perspectives over the preface's pro- or anti-decline outlook and, as discussed in Chapter 2, by highlighting the message that emerges when we move away from authorial opinion as the primary basis for determining the subject of a dialogue.

[4] See Costa (1969) 31 on similarities between Aper's aesthetic claims and Tacitus' style; Mellor (1993) 18; Murphy (1991) 2295; Dominik (1997b) and (2007). Mayer (2001) 41–2 notes: "It may be that with regard to the literary aspects of oratory he shared somewhat more of Aper's opinion than do the other interlocutors." It is again worth noting that the *Dialogus* is unique in Tacitus' writings because of its "Ciceronian" style (briefly addressed in Chapter 1).

[5] Chapter 2 treats the contradictions in Messalla's statements as a productive strategy through which Tacitus clothes Ciceronian rhetorical norms in traditional *topoi* decrying rhetorical exuberance and pedagogical shortcomings.

not gone unchallenged.[6] In short, proponents of decline as the central theme must struggle to accommodate the introduction to the speeches that follow and are left doubting the effectiveness of this "introduction."

The preface, despite its brevity, broaches a wealth of topics with significance well beyond the question of decline: reputation (*fama*, *gloria*, *laus*) versus talent (*ingenium*) as well as important terminology (e.g. *aetas*, *eloquentia*, *ingenium*, *iudicium*, *saeculum*) which highlights contentious points of discussion in the work: how to evaluate skilled speech, the temporal and critical frameworks in which to conceptualize rhetorical history, and the role of periodization for understanding cultural developments. Most significantly Tacitus prefigures a vital tension that unfolds in the remainder of the work and guides the course of discussion: the *Dialogus* at the outset merely suggests the decline of oratory as a possible theme, but then shifts focus onto the diminished recognition accorded to orators of the present in comparison to those of the past. This subtle distinction sets the work up to consider the evaluative mechanisms for *eloquentia* and the relationship between renown and the practice of skilled speech.

The introduction and fame

In returning to the preface, it will prove fruitful to focus on the precise terms that occur there and on Tacitus' self-presentation in the text. Tacitus intertwines the two issues, undermining his own authorial presence as he pushes to the forefront the conflict between recognition and decline. A fairly literal translation of the opening could run as follows:

> Saepe ex me requiris, Iuste Fabi, cur, cum priora saecula tot eminentium oratorum ingeniis gloriaque floruerint, nostra potissimum aetas deserta et laude eloquentiae orbata vix nomen ipsum oratoris retineat; neque enim ita appellamus nisi antiquos, horum autem temporum diserti causidici et advocati et patroni et quidvis potius quam oratores vocantur.
>
> Repeatedly, Fabius Iustus, you ask me why, whereas earlier generations flourished in the glory and talents of so many distinguished orators, our age above all, barren and bereft of the eminence of eloquence, hardly preserves the distinction "orator"; you see, we call only the ancients thus, but the fluent speakers of our day are termed "pleaders," "counselors," "defenders," and anything but "orators." (1.1)

[6] See the discussion below of Brink (1989) and the response to him in Luce (1993a).

Fabius Iustus seems to suggest the demise of modern oratory by asking why the ancients have flourished *ingeniis gloriaque*, "in talents and glory."[7] The question praises past generations and then moves on to the modern age: *nostra potissimum aetas deserta et laude eloquentiae orbata vix nomen oratoris retineat*. Readers have been quick to see Tacitus' espousal of decline, interpreting *deserta* and *orbata* to mean that the modern age lacks both renown and talent.[8] Yet the description of the present age does not explicitly claim that its *ingenia* are wanting, even if such a message might seem implicit in the antithesis of past and present. To state that an age no longer obtains recognition for its eloquence is different from saying that it no longer possesses the same talent.[9]

Tacitus then appears to respond in his own voice: *neque enim ita appellamus nisi antiquos, horum autem temporum diserti causidici et advocati et patroni et quidvis potius quam oratores vocantur*. The mood of the verbs has shifted from subjunctive to indicative and the construction from indirect question to direct statement, leading many to see a reflection of Tacitus' own opinion on the thesis of decline.[10] However, the emphasis on grammatical mood overlooks other subtle yet crucial features of the statement. To begin with, Tacitus does not confirm the entirety of Fabius Iustus' preceding question. He focuses on the designations employed for orators of the past and the present: "for we call (*appellamus*) only the ancients thus . . . the fluent speakers of our day are called (*vocantur*)." The sentence

[7] Although not required by the language, the phrase may be a hendiadys, "in the glory of their genius." Cf. Gudeman (1914) 185; Güngerich (1980) 6; Mayer (2001) 88. The distinction of talent (*ingenium*) from recognition of that talent (*laus*) is a prominent theme throughout the *Dialogus*. Winterbottom (1970) 231 nicely renders it: "men of genius and renown."

[8] Tacitus may be using *deserta* absolutely to mean "is barren," but its use as a perfect participle "abandoned [by]" cannot be ruled out. Gudeman's (1914) 186 gloss, *neglecta*, also has something to say for it. Michel (1962b) 11 emphasizes the near agency of *laus*: "Notre age entre tous a été déserté et délaissé par la gloire de l'éloquence, et c'est à peine s'il retient le terme même d'orateur." "Our age above all has been deserted and abandoned by the glory of eloquence, and hardly retains the very term orator." This tension between recognition and achievement is itself encapsulated in the semantic breadth of the term *laus*, which can designate both an act of praise and the status of an object or individual worthy of that praise, that is, both fame and merit. For this reason I have chosen "eminence of eloquence" to translate *laus eloquentiae*, essentially following Winterbottom's (1970) "distinction in eloquence." The term *nomen* is similarly, though not as pointedly, ambiguous. It can signify actual naming (as the sentence that follows it indicates) and esteem (compare the English idiom "to make a name for oneself"). My somewhat clumsy English phrase "the distinction 'orator'" attempts to reflect the ambiguity of the Latin.

[9] Mellor (1993) 16 translates *laude eloquentiae orbata* as "bereft of eloquence," which elides *laus* and tellingly reflects an assumption common to the modern scholarship.

[10] Güngerich (1980) 6 emphasizes the mood shift; Mayer (2001) 31 n. 88: "the indirect question in the first sentence stops at *retineat*; what follows is Tacitus' own observation in the indicative (note too the person of *appellamus*), and it corroborates the thesis of the question to the effect that oratory has declined."

attests neither to the perception nor to the confirmation of decline itself. Tacitus indulges in a careful – yet significant – slippage in focus. He merely confirms the part of Fabius Iustus' question concerning the designation of modern orators by terms other than *orator*. Yet the resistance to the designation *orator* is a common problem of the rhetorical tradition, given the term's potential to express the "ideal orator."[11]

This perplexing shift in emphasis is of a piece with the wording of the first sentence. *Laus eloquentiae*, *nomen oratoris*, *appellamus*, and *vocantur* share a common feature: they indicate the act of classification, referring either to the recognition acquired by modern practitioners of *eloquentia* or to the conventions of designation. The loss of *laus eloquentiae* does not unambiguously herald an unqualified decline; saying that an age is bereft of recognition for its eloquence is quite different from saying that it is bereft of eloquence. Tacitus could have written the far less ambiguous *orbata eloquentia*. The formulation can just as easily be read as faulting the modern age for its scanty praise. Furthermore, the phrase *nomen oratoris* calls attention to the very act of naming and sets up the subtle transition to the verbs *appellamus* and *vocantur*, where Tacitus seems to exploit a potential ambiguity in Fabius Iustus' question: he relocates the focus onto the vocabulary to designate orators. Tacitus' reaction is not, however, a mere verbal quibble. To indicate a conventional designation does not mandate acceptance of that designation.[12] Ultimately, it is both the nature of the question as much as the identity of the questioner which renders the preface fundamentally ambiguous.

The speaker's uncertain identity reinforces the impersonal nature of the remarks: is Tacitus (and perhaps Fabius Iustus) the subject of *appellamus* or, rather, the just mentioned *nostra aetas*? The ensuing passage sheds light on the problem:

> cui percontationi tuae respondere, et tam magnae quaestionis pondus excipere, ut aut de ingeniis nostris male existimandum <sit> si idem assequi non possumus, aut de iudiciis si nolumus, vix hercule auderem si mihi mea sententia proferenda ac non disertissimorum, ut nostris temporibus, hominum sermo repetendus esset, quos eandem hanc quaestionem pertractantes iuvenis admodum audivi.

[11] Cicero only reluctantly accorded the term *orator*, even to quite capable speakers. The *Brutus* is perhaps the most telling example: a catalogue containing great numbers of speakers along with the repeated assertion that the *orator* is extremely rare. Chapter 6 discusses the Ciceronian *topos* of the *paucitas oratorum* ("paucity of orators"), which Tacitus reworks in this preface.

[12] In the *Annals*, Tacitus similarly (and ironically) describes Tiberius' judgment of Domitius Afer's rhetorical abilities: *eum suo iure disertum appellavit* ("[Tiberius] termed him a skilled speaker in his own right," 4.52).

> I would hardly dare to respond to that inquiry of yours and to take up the burden of a question that is so weighty, that either it would be necessary to disapprove of our talents, if we can't achieve the same, or of our judgments, if we are unwilling, were I forced to give my own opinion and not to recall the discussion of the most eloquent men (taking our times into account), whom I once heard handling this question when I was no more than a young man. (1.2)

In his commentary on [*ingeniis*] *nostris*, Güngerich notes that: "*nostris* means, of course, 'of our age'; the author speaks of himself in the singular."[13] Although Latin evinces considerable fluidity in the use of the singular and the plural, Tacitus' discriminating usage in the opening sections guides us in ascribing the statements: his own remarks appear in the first person singular, those of his age in the plural.[14] Indeed, the variation in person from *appellamus* to *vocantur* further reinforces the impersonal meaning of the first verb "we [i.e. the men of our age] designate the ancients thus . . . the moderns are called" (1.1). Far from endorsing Fabius Iustus' question, Tacitus here carefully distances himself from any concrete judgment on contemporary orators. Instead, he emphasizes that they do not receive the same recognition as in prior ages, either in terms of praise or nomenclature. In addition, he doggedly reiterates that responsibility for the terms of the question falls on Fabius Iustus: *tuae percontationi* ("that inquiry of yours"). At this point the text has yet to declare a main thesis, and the open-endedness of the message is then reiterated in Tacitus' conventional abdication of responsibility for the points of view expressed in the work: *respondere . . . vix hercule auderem si mihi mea sententia proferenda*.

The evasiveness is part of a dialogue strategy by which authors abstain from the explicit tenure of opinion, often through explicit refusal or by voicing statements through luminaries of the past. Throughout the preface, Tacitus explicitly and implicitly effaces the authorial persona as the locus of

[13] Güngerich (1980) 8:"*nostris* heißt natürlich, 'unserer Zeit'; von sich selbst spricht der Verfasser im Singular."

[14] Güngerich (1980) 6 also thought that Tacitus begins to speak in his own voice in 1.1, but that his age is the subject of *nostris* in 1.2. I believe that Tacitus pointedly maintains consistency of voice throughout the opening passages, careful to distinguish the authorial persona from his age by the use of the singular and the plural. See *OLD noster* 6c for the sense of "our [present]" [age]. Woodman and Martin (1996) 408–11 discuss a similarly ambiguous instance of *nostra aetas* in the *Annals*: *nec omnia apud priores meliora, sed nostra quoque aetas multa laudis et artium imitanda posteris tulit* ("And not all things were better among our forefathers, but our age too has delivered to posterity a number of praiseworthy arts that ought to be imitated," 3.55). Woodman and Martin (1996) 409 n. 2 compares the connection of *nostra aetas* and *laus* in that passage of the *Annals* to the opening passage of the *Dialogus*, noting "indeed it is tempting to see our passage as a partial riposte to the question with which *D.* opens." But perhaps we should read the *Annals* as the continuation of a potentially more open-ended, even optimistic, message in the *Dialogus*.

opinion in the work. The authorial persona in dialogue is a form of literary intervention which establishes the terms of discussion, not an authoritative voice attempting to direct us to a single idea or point of view. While the effacement of the author has been a long-recognized aspect of modern literary-critical habits, it was already by Tacitus' time an autochthonous element in the landscape of literary dialogue.

The technique, in turn, transfers the interpretive emphasis away from the coincidence of authorial opinion with a speaker's opinion and onto the assessment of arguments. As the author withdraws himself from the text, he refocuses our attention onto the terms of discussion, emphasizing the various, even conflicting, points of view that will be offered. Writing in the tradition of Academic Skepticism, which valued the adoption of plausible rhetorical stances on each side of an issue (*in utramque partem disputare*), Tacitus acknowledges the interlocutors' different positions: "when they individually conveyed opposed yet convincing points" (*cum singuli diversas quidem sed probabiles causas afferrent*, 1.3). He singles out Aper's defense of modern oratory, "and so someone was present who took up even the opposite side" (*neque enim defuit qui diversam quoque partem susciperet*, 1.4), all the while withholding any indication that he favors or rejects a given position. The ambiguity anticipates the host of different perspectives that will be brought to bear on the analysis of *eloquentia*, just as its neutrality directs the reader to consider the various points of view to come.

This is not to say that Tacitus leaves the reader directionless. He does provide central categories with which to evaluate rhetoric: *aut de ingeniis nostris male existimandum <sit>, si idem assequi non possumus, aut de iudiciis, si nolumus*. Achievement comparable to that of past generations (*idem assequi*) depends on the *ingenia* (inborn capacities) and *iudicia* (aesthetic judgments) of the present.[15] The distinctly optimistic note acknowledges that contemporary orators may be as capable as their ancient counterparts. At the very least, Tacitus does not countenance outright dismissal of contemporary achievements. Furthermore, the introduction establishes two key criteria that resurface farther on. Aper's second speech, for example,

[15] For *iudicia* we might also say "tastes." *Gustus*, as Mayer (2001) 89 astutely points out, was not used metaphorically by Romans. Cf. Güngerich (1980) 7 and von Nägelsbach (1905) 54. § 1.2 has vexed the proponents of decline as the central theme. Mayer (2001) 89–90, following Reitzenstein (1915), remarks that Tacitus "indulges in some coat-trailing, since he seems to assume that the cause for decline is to be sought in deficiencies on the part of the contemporary orators, rather than in the change of political system at Rome." Güngerich and Mayer take Maternus' final speech as the work's answer to the problem of decline, which requires explaining away the present passage.

assiduously measures the orators of Cicero's day with the canons of *ingenia* and *iudicia*.[16]

The vagueness of *idem assequi* ("to achieve the same thing [i.e. similarly]") seems to bring us back to the distinction of fame from decline. Does Tacitus mean that modern orators can achieve the same level of oratorical skill or the same level of recognition? The phrase encapsulates the tension between *ingenium* and *laus* that arose earlier (1.1) and leaves open the possibility that renown may only imperfectly reflect ability. Far from condemning modern oratory, the introduction returns again and again to the complexities of acquiring and attributing praise in order to highlight that topic's importance to the work as a whole.[17]

Tacitus continues this focus in the description of Secundus and Aper, as the work moves from preface to narrative:

> nam postero die quam Curiatius Maternus Catonem recitaverat, cum offendisse potentium animos diceretur, tamquam in eo tragoediae argumento sui oblitus tantum Catonem cogitasset, eaque de re per Vrbem frequens sermo haberetur, venerunt ad eum Marcus Aper et Iulius Secundus, celeberrima tum ingenia fori nostri, quos ego utrosque non modo in iudiciis studiose audiebam, sed domi quoque et in publico adsectabar mira studiorum cupiditate et quodam ardore iuvenili, ut fabulas quoque eorum et disputationes et arcana semotae dictionis penitus exciperem, quamvis maligne plerique opinarentur, nec Secundo promptum esse sermonem et Aprum ingenio potius et vi naturae quam institutione et litteris famam eloquentiae consecutum. nam et Secundo purus et pressus et, in quantum satis erat, profluens sermo non defuit, et Aper omni eruditione imbutus contemnebat potius litteras quam nesciebat, tamquam maiorem industriae et laboris gloriam habiturus, si ingenium eius nullis alienarum artium adminiculis inniti videretur.

[16] Güngerich (1980) 7 rightly points out these important criteria, but, as mentioned above, claims that Maternus' "historical" explanation outstrips them: "Im Verlauf der Erörterung, vor allem in der letzten Rede des Maternus, führt Tac. dann den Leser in feiner Weise über diese Ebene der Betrachtung hinaus und zu der Überzeugung, daß die scheinbar so schlüssige Alternative *aut de ingeniis . . . aut de iudiciis* unzureichend ist" ("In the course of the discussion, especially in Maternus' last speech, Tacitus adeptly brings the reader beyond this conceptual plane and to the conviction that the seemingly conclusive alternative *aut de ingeniis . . . aut de iudiciis* is inadequate."). *Iudicia* is difficult to translate. Tacitus may mean "our faculty of selection" (which allows us to make good stylistic choices) or "our judgments of other speakers" (which may praise the present inadequately or the past excessively). Someone re-reading the *Dialogus* may also suspect a distant hint at (pun on?) the more concrete sense of *iudicia* meaning ("law courts"): Maternus later discusses the changed venues for forensic oratory, in which criminal cases have been partly supplanted by the civil matters of the centumviral courts.

[17] A repeated *assequi famam* (41.5) in Maternus' closing statement connects back to the preface. On *fama* generally in Tacitus' historical writings and in two contemporaries, Pliny and Martial, see Hardie (2012) 273–329. Cf. Syson (2009) 51–3 on the ambiguity surrounding fame in the preface.

> You see, the day after Curiatius Maternus had recited his *Cato*, when he was said to have offended the sensibilities of the powerful on the grounds that in the plot of that tragedy he had forgotten himself and only thought of Cato, and talk of it was thick about Rome, Marcus Aper and Iulius Secundus came to him, the most renowned luminaries of our forum at that time, whom I'd not only listen to attentively in the courts, but I even attached myself to them at home and in public – with a remarkable zeal for their pursuits and some juvenile passion – in order take in deeply their conversations as well and their disputes and the secrets of their private discourse, although a great many unjustly thought that Secundus lacked a ready tongue and that Aper had achieved fame for his eloquence more by his genius and natural talent than by learning and letters. You see, Secundus didn't lack a pure, concise, and (as much as was necessary) free-flowing manner of speech, and Aper, who was grounded in all learning, despised letters more than he was ignorant of them, on the grounds that he would achieve greater fame for his diligence and hard work, if his talent was not seen to lean upon the props of foreign arts. (2.1–2)

Tacitus would attend upon Secundus and Aper, the oratorical luminaries of his youth. A great number of people slighted their rhetorical achievement (*maligne plerique opinarentur*), but Tacitus quickly corrects that opinion with praise for their abilities. Aper has attained considerable renown and hopes for more: *famam eloquentiae consecutum . . . maiorem gloriam habiturus*. Although a limited number of concrete impressions are given regarding Secundus (*purus*, *pressus*, *profluens*), the passage mostly details Aper's fame, while eschewing judgments on his actual talent. The sole reference to ability – *tamquam maiorem industriae et laboris gloriam habiturus, si ingenium eius nullis alienarum artium adminiculis inniti videretur* – describes it in relation to the glory that he might achieve by downplaying his learning. Aper feigns ignorance of letters, but the impressive breadth and depth of his learning becomes clear throughout the dialogue. It should also be noted that, however closely Tacitus models the opening passage, especially the description of Aper, on Cicero's depiction of Antonius and Crassus in the *de Oratore*, the *Dialogus* more prominently highlights the question of fame.[18]

[18] Chapter 6 analyzes the intertextual citation of *de Oratore* in the description of Aper. Tacitus likens Aper's learning to the educational attainments of both Crassus and Antonius, the main interlocutors of that dialogue. Differences of language in the intertexts largely involve terms denoting fame. Mayer (2001) 34 also notes the prominence of renown as a topic in Aper's first speech: "Tacitus puts the praises of oratory into Aper's mouth at this stage to evoke the opening of a work that he is rivalling, viz. Cicero's *De oratore*, which likewise began with Crassus' praise of the benefits and power of oratory. But we are probably expected to notice one major difference: no one in the *De oratore* refers to the fame attendant upon success as itself a motive for excelling."

The introduction includes a shift in focus that will shape the rest of the work. In exploring the complex dynamic between renown and *eloquentia*, the *Dialogus* opens the debates to discussion of contemporary oratorical values as well as to the evaluative mechanisms of rhetorical practice. This larger framework subsumes the mere espousal or rejection of decline, while still allowing individual interlocutors to embrace and to contest those very propositions. Thus, the introduction anticipates a range of analytical possibilities for understanding the state of *eloquentia*, which the debates and the interstitial passages will continue to examine from diverse perspectives.

The drama of fame versus decline

As the remaining interstitial sections re-emphasize the tension between renown and decline, they also acquire a metatextual character. The interlocutors draw attention to the work's staging and to the logic of its arguments. For example, at the close of Aper's first speech Maternus tellingly responds:

> parantem . . . me non minus diu accusare oratores quam Aper laudaverat (fore enim arbitrabar ut a laudatione eorum digressus detrectaret poetas atque carminum studium prosterneret) arte quadam mitigavit, concedendo iis, qui causas agere non possent, ut versus facerent. ego autem sicut in causis agendis efficere aliquid et eniti fortasse possum, ita recitatione tragoediarum. et ingredi famam auspicatus sum, cum quidem im<perante> Nerone inprobam et studiorum quoque sacra profanantem Vatinii potentiam fregi; hodie si quid in nobis notitiae ac nominis est, magis arbitror carminum quam orationum gloria partum.[19]
>
> Aper appeased me with some artfulness as I was preparing to inveigh against orators as much as he had praised them (you see, I was thinking that he would, after passing from praise of the orators, attack the poets and lay low their zeal for song). He did this by allowing that those who cannot conduct cases should make verses. Indeed, just as I am able perhaps to bring about and achieve something by pleading cases, so too can I by the recitation of tragedies. And I began to tread fame's path, when namely, under Nero, I broke the dishonest power of Vatinius, which was profaning even the rites of our practice. If I today have any renown or name, I think that has been achieved more by the glory of songs than of orations. (11.1–2)

Maternus directs the reader to the thematic prominence of fame in the first two speeches, with a striking density of terms denoting renown: *laudare*,

[19] The textual difficulties surrounding *im<perante>* are addressed in greater depth in Chapter 4. They do not affect the claims here about Maternus' emphasis on renown.

laudatio, *fama*, *notitia*, *nomen*, *gloria*. At the same time, Maternus points out Aper's rhetorical strategies: he defended oratory by examining the prestige that it brings to its practitioners. Maternus revealingly highlights this theme and primes the reader for it in his ensuing speech.

The first debate has vexed critics because it foregoes any discussion of decline. The interlocutors compare instead the social merits of poetry and oratory: which embodiment of *eloquentia* bestows greater reputation, standing, and social independence upon its practitioner? As a result, the work's thematic integrity seems compromised by the absence of decline as a topic in the first debate, leading many to consider it ancillary to the work's chief subject. Alternatively, some have suggested that the *Dialogus* first broaches the demise of oratory with Messalla's arrival after the first debate, with the true answer postponed until the final speech.[20] Yet, if the work also seeks to examine the criteria that accord or deny recognition to the practitioners of *eloquentia*, then the relevance of the first debate becomes much clearer: to underscore the relation between fame and the practice of skilled speech. Such a focus accords well with the direction established in the introduction and need not be considered a failure in the work's composition.

As the dialogue progresses, the interlocutors continue to direct the reader to the theme of renown. After the first two speeches and Messalla's late arrival, Maternus remarks: *Aprum enim solere dissentire et tu paulo ante dixisti et ipse satis manifestus est iam dudum in contrarium accingi nec aequo animo perferre hanc nostram pro antiquorum laude concordiam* ("You just mentioned that Aper usually has a different opinion and he himself has clearly been getting ready [girded up] for some time now to oppose us and can't calmly endure this alliance of ours on behalf of the eminence of the ancients," 16.3). The term *laus antiquorum* stages the *Dialogus* as a conflict over renown. A battle metaphor (*in contrarium accingi*) sharpens the agonistic color of the disagreement as it draws on traditional comparisons of forensic disputes with those of the arena and the battlefield. The metatextual character of the interlocutors' comments was already suggested in the previous passage (11.1), in which Maternus was expecting to bring

[20] Mayer (2001) 31–44 cogently summarizes the problems. He notes (p. 33) that the first two speeches do not address the (alleged) main theme: "neither speaker has as yet the slightest interest in the question of decline." Cf. Barwick (1929) 107–8; Fantham (1996) 193 dubs them "a mere preliminary to his main concern," but Fantham (2004) 319–28 seems to revise that view. Mayer (2001) 32 sees a build-up to Maternus' response: "Since Maternus has the most satisfactory answer to the opening question, he has to be kept out of the main discussion until Tacitus is ready for him to give it. Hence the need for Messalla, who can offer an answer that may go some way towards explaining the decline in oratory."

a charge against orators (*accusare oratores*). These are the first of many self-referential comments which liken the setting of the *Dialogus* to the traditional venues of rhetorical practice and training. Staging the debates as an oratorical *agon* also lends itself to evaluation of the interlocutors' rhetorical prowess: they encourage and judge one another in a manner that establishes evaluative criteria for oratory. Hence assessments internal to the text reflect on broader cultural tendencies outside of it.

At two important points the abilities and the renown of the interlocutors come under discussion. First, Aper chides Messalla's unwillingness to accord recognition to modern orators:

> non desinis, Messalla, vetera tantum et antiqua mirari, nostrorum autem temporum studia irridere atque contemnere. nam hunc tuum sermonem saepe excepi, cum oblitus et tuae et fratris tui eloquentiae neminem hoc tempore oratorem esse contenderes [antiquis], eo credo audacius quod malignitatis opinionem non verebaris, cum eam gloriam quam tibi alii concedunt ipsi tibi denegares.
>
> Messalla, you never stop marveling solely at the old and inveterate pursuits or deriding and scorning those of our day. You know, I've put up with your saying this often, whenever you contend that no one at this time is an orator, having put out of mind your eloquence and your brother's; all the more adamantly, I suspect, because you weren't worried about getting a reputation for captiousness (*malignitatis*), in that you deny yourself the glory that others grant you. (15.1)

Aper brings to the fore Messalla's refusal to praise modern orators, including Messalla himself and his half-brother, the *delator* Marcus Aquillius Regulus, who is frequently mentioned in Pliny's letters.[21] The comment is similar to the conclusion of Aper's second speech:

> nam et te Messalla, video laetissima quaeque antiquorum imitantem, et vos, Materne et Secunde, ita gravitati sensuum nitorem et cultum verborum miscetis, ea electio inventionis, is ordo rerum, ea quotiens causa poscit ubertas, ea quotiens permittitur brevitas, is compositionis decor, ea sententiarum planitas est, sic exprimitis affectus, sic libertatem temperatis, ut etiam si nostra iudicia malignitas et invidia tardaverit, verum de vobis dicturi sint posteri nostri.
>
> You see, Messalla, I observe both you imitating the most felicitous aspects of the ancients, and you two, Maternus and Secundus, mixing the brilliance of

[21] For biographical data on Regulus, see Güngerich (1980) 63; Rutledge (2001) 192–8 summarizes Regulus' career and ancient evaluations of his rhetorical ability. Winterbottom (1964) discusses Regulus as a rhetorical figure and Pliny's opinion of him. See also the commentary on Pliny by Sherwin-White (1966).

> your conceits and the refinement of your diction with solemnity. You possess such a discovery of material, organization of details, fullness whenever the case demands it, conciseness wherever possible, seemliness of composition, and clarity of thought; you exhibit emotions and check your license so that even if captiousness and envy retard the judgments of our age, future generations will speak truly of you. (23.6)

At the finale of Aper's speech, the longest of the work, he returns to the praise accorded to modern orators, and to his fellow interlocutors in particular. As he describes the laudable features of their rhetorical practices, he remarks that *malignitas et invidia* ("captiousness and envy") prevent the modern age from recognizing its own merits. At a stroke he commends the stylistic virtues of his fellow interlocutors and underscores why the modern age does not receive recognition. The passage again reiterates the tension between renown and achievement, but now explains the cultural factors that prohibit recognition of contemporary orators.[22]

Aper's praise, in concrete terms, for modern orators is illuminating in comparison to the criticisms leveled by Messalla and Maternus. How they respond to Aper's commendation of his contemporaries crucially shapes the work's message. Chapter 2 emphasized the need to follow carefully the manner and terms in which interlocutors provide viable arguments rather than the mere tenure of opinion. An emphasis on opinion, especially opinions without corroborating arguments, runs the risk of reducing analysis to little more than siding with a character thought to be most in sympathy with the author. As part of the exploration of the tension between renown and decline, the interstitial passages illuminate the argumentative dynamics of the work, highlighting what topics are discussed and the presentation – or failed presentation – of statements in support of a particular viewpoint. But while the interstitial passages constantly draw attention to the issue of fame, for decline, the situation is more complicated. The *Dialogus* repeatedly suggests that thesis while subtly undermining the presentation of evidence in favor of it. Over and again the interstitial passages connect

[22] For a discussion of *malignitas* as a term of literary criticism in imperial literature and in the *Dialogus*, see van den Berg (2008). Chapter 7 examines in detail the *Dialogus*' intertextual refashioning of similar remarks in Horace and Quintilian about the Roman tendency to undervalue contemporaries. Aper's use of *tardare* is revealing, since it means both "to hinder" and, more literally, "to delay." The latter sense emphasizes how the passage of time "makes" one's predecessors better. Messalla demonstrates this very point when he concedes that Cassius Severus could be called an *orator*, when compared with speakers of a later period (26). While his statement can be read as suggesting decline, it also reveals the Roman tendency to value the past at the expense of the present: Cassius is not an *orator* in objective terms, but by virtue of having preceded later speakers.

the topic of fame to the failure to present credible criticisms of modern oratory.

For example, Tacitus steers the interlocutors away from discussion that would actually demonstrate the occurrence of decline. Whereas Aper carefully details the virtues and changed values of modern oratory, the dialogue fails to elaborate concretely how the ancients surpass the moderns.[23] Before Messalla's response to Aper's criticism of the ancients, Maternus remarks:

> igitur exprome nobis non laudationem antiquorum (satis enim illos fama sua laudat), sed causas cur in tantum ab eloquentia eorum recesserimus, cum praesertim centum et viginti annos ab interitu Ciceronis in hunc diem effici ratio temporum collegerit.
>
> So don't bring forth eulogy of the ancients (for their renown praises them enough), but rather the reasons why we have so fallen back from their eloquence, and that although a reckoning of the years makes that only 120 years have passed from the death of Cicero to the present day. (24.3)

Maternus again highlights the issue of fame. The ancients' renown, we are told, suffices to counter Aper's arguments. Although Maternus urges Messalla to discuss decline, he also discourages engagement with Aper's criticism of past orators. Messalla follows Maternus' urging, with the simple claim that the ancients surpass the moderns:

> sequar praescriptam a te, Materne, formam; neque enim diu contra dicendum est Apro, qui primum ut opinor nominis controversiam movit, tamquam parum proprie antiqui vocarentur quos satis constat ante centum annos fuisse. mihi autem de vocabulo pugna non est; sive illos antiquos sive maiores sive quo alio mavult nomine appellet, dummodo in confesso sit eminentiorem illorum temporum eloquentiam fuisse.
>
> I'll follow what you've outlined, Maternus; and I won't have to argue against Aper for too long, who, in my opinion, first started this controversy over a name, as if those about whom it is agreed that they lived over 100 years ago are called "ancients" with too little accuracy. I'm not fighting over a word; let him call those men "ancients" or "ancestors" or by any other name he prefers, provided that it be generally acknowledged that the eloquence of that age was more prominent. (25.1–2)

[23] Messalla's first speech (25–6) does berate the extravagance and histrionics of the modern era, but those criticisms are general and exaggerated, selecting the worst features of certain speakers (such as Maecenas – a contemporary of the *antiqui*! – or Gallio), without demonstrating that such features are either endemic to the modern era or any less common to the age of Cicero. Aper's criticism of the ancients and praise of the moderns are more balanced in comparison to Messalla's stereotypical complaints, which largely ignore Aper's arguments.

Messalla dismisses Aper's previous arguments as a mere verbal quibble.[24] Yet, the passage also reveals a pattern: the superiority of the ancients is assumed, but their distinguishing virtues are never made explicit. The work pointedly dictates that the interlocutors will not discuss that issue.

The most telling example of this tendency arises in the interaction between Messalla and Maternus (26–7). Messalla prepares, with specific examples, to elaborate upon the decline of modern *eloquentia*: *at ego non verebor nominare singulos, quo facilius propositis exemplis appareat, quibus gradibus fracta sit et deminuta eloquentia* ("Now I won't shy away from naming individuals, in order that it will more easily become evident, by citing examples [*propositis exemplis*], the stages by which eloquence has been broken down and diminished," 26.9). Messalla is poised to counter Aper's praise of modern orators and to demonstrate the stages by which modern oratory has gone awry. The dialogue arrives at a crucial moment, on the brink of substantiating the (alleged) thesis of decline. But Maternus interjects: *at parce . . . et potius exsolve promissum. neque enim hoc colligi desideramus, disertiores esse antiquos, quod apud me quidem in confesso est* ("Hold off now . . . and fulfill your promise instead. Indeed we don't want it to be adduced that the ancients are better speakers, which I in any case readily admit," 27.1). He quickly puts an end to what could have been an impressive refutation of Aper's arguments. The dialogue takes the reader to the verge of such an explanation, only to pull away from it.

One can always conclude that Tacitus did not wish to discuss decline because he was, himself, convinced of it.[25] But Maternus' injunction against discussing decline highlights a prominent feature of the entire discussion: nowhere does the *Dialogus* criticize the ability of the modern age in concrete terms and correspondingly link criticism to the overall evaluation of the modern age. The work abstains from censure of the *ingenia* or the *iudicia* of modern speakers, as one might have expected based on the criteria that Tacitus establishes in the introduction: *ut aut de ingeniis nostris male existimandum <sit>, si idem assequi non possumus, aut de iudiciis, si nolumus* (1.2), or even in the manner that Aper had so carefully done in his review of republican luminaries.

[24] Messalla's mention of 100 years rather than 120 is significant. Chapter 7 discusses it in relation to similar arguments in Horace's *Epistles* and *Satires*.

[25] Many readers see Tacitus' opinion behind such interjections, e.g. Luce (1993a) 16: "Tacitus himself is convinced of the fact of oratory's decline . . . and when at 27.1 Maternus puts a stop to the debate between Aper and Messalla on the primacy of the ancients and moderns by asserting that as far as he is concerned the ancients were unquestionably better, he can be taken to be expressing Tacitus' view."

The passages above pointedly underscore the failure to criticize contemporary rhetorical practice credibly or to respond to Aper's championship of oratorical change. Had Tacitus wished to expatiate meaningfully on the faults of his contemporaries, this would have been an opportune moment at which to allow one of the speakers to do so. Instead, he foregoes such criticism and dramatically highlights that omission for the reader. Doubtless, the thesis of decline runs throughout the work, and Messalla and Maternus confidently embrace it. Yet their conviction neither demonstrates the thesis nor compels the reader to sympathy.

Interstice to speech: pleasure

Such a demonstration, however, might be found in the final debate. These speeches deliver two possible explanations of oratorical decline, Messalla focusing on education and training, Maternus on the transition from the political disarray of the Late Republic to the relative calm of the Empire.[26] The former explanation is moral and traditional, partly drawing on stock motifs of the declamatory and satirical traditions. The latter appears to be unique to Tacitus, although Pseudo-Longinus (*On the Sublime*, 40), whose disputed dates may have him writing before or after Tacitus, famously scouts the loss of free speech and the institution of autocratic rule as a pedestrian commonplace in explanation of artistic failure. It will be important to consider how these arguments fit into the broader context of the work, and especially into the developing tension between renown and decline. Again the interstitial passages serve as guides for interpretation, but they begin to be implicated more closely in the subject matter of the final speeches. Messalla's dramatic statements, for example, have an acutely metatextual character, as they parallel and implicitly comment on the ideals about education and training that he espouses in his speeches.

Messalla's arrival mid-discussion, often likened to Alcibiades' more boisterous intrusion into the discussion in Plato's *Symposium*, seems to mark a turn in the discussion away from the pursuit of recognition via *eloquentia* and towards an examination of the question of decline.[27] Before proceeding to the second debate, Messalla comments on the one he has just missed:

[26] Scholars typically regard the last two speeches as detailing the *causae* of oratorical decline; most side with Maternus. Brink (1989, discussed below) emphasizes Messalla's explanation, citing crucial details in Maternus' speech that demonstrate its inadequacy as an explanation of decline.

[27] On the Platonic reminiscences in the *Dialogus* (especially from *Symposium*), see Allison (1999) and Rutledge (1996) and (2000).

> me vero . . . sermo iste infinita voluptate adfecisset, atque id ipsum delectat, quod vos, viri optimi et nostrorum temporum oratores,[28] non forensibus tantum negotiis et declamatorio studio ingenia vestra exercetis, sed eius modi etiam disputationes assumitis quae et ingenium alunt et eruditionis ac litterarum iucundissimum oblectamentum cum vobis qui illa disputatis adferunt, tum etiam iis ad quorum aures pervenerint.
>
> Your conversation surely would have given me endless pleasure. And I am delighted by the very fact that that you excellent men, the orators of our day, not only train your talents by forensic activity and declamatory study, but that you even take up the sort of discussions which both nourish your talent and bring a most pleasurable enticement of literary culture both to yourselves as debaters and likewise to an audience. (14.3)

In the description of the pleasure that their discussion would have brought him, Messalla addresses the company as *viri optimi et nostrorum temporum oratores*. The use of *oratores* gives pause when thinking back to the opening sentence of the work (*vix nomen oratoris retineat*), but fits well in this passage, as Messalla celebrates the oratorical training in which the interlocutors participate (*ingenia vestra exercetis*): the shaping of individual *ingenia* through activity at the bar, declamation, and philosophical discussion, providing pleasure to participant and audience alike.[29] His comments not only indicate the persistence of various venues for oratorical training, they stage the *Dialogus* as part and parcel of that process: the kinds of discussion and debate present in the work contribute to the formation of an orator.

Messalla's praise for his fellow interlocutors has a more specific importance. It accords with the prescriptions for the development of the *orator* in his later discussion of education and training (28–35). In particular, it shares notable affinities with one of the densest passages of the *Dialogus*. After Messalla describes the requisite knowledge for an orator (33.4) he moves on to the need for practice (*persequar nunc exercitationes eorum*). The ensuing description closely matches the comments he made earlier:

> quamquam ipsis artibus inest exercitatio, nec quisquam percipere tot tam reconditas, tam varias res potest, nisi ut scientiae meditatio, meditationi

[28] Mayer (2001) supplements with a second <*optimi*> before *nostrorum temporum oratores* (originally Muretus). The genitive alone with *oratores* does strike me as a bit harsh. The text here is printed by Gudeman (1914), Winterbottom's Loeb and OCT, and Flach (2005). The supplement in this case does not alter the argument, which is about the use of *orator* as a term, regardless of any qualification.

[29] See Chapters 1 and 2 on declamation. Chapter 4 also discusses the theme of pleasure (*oblectamentum*, *voluptas*, etc.) in the speeches. Johnson (2012) 66 n. 9 on the implicit "anonymous larger crowd."

> facultas, facultati usus [eloquentiae] accedat; per quae colligitur eandem esse rationem et percipiendi quae proferas et proferendi quae perceperis.
>
> To be sure, theoretical knowledge requires practice and no one can perceive so many varied and recherché subjects, except on the condition that practice attend upon theory, capacity upon practice, and real-life employment [of eloquence] upon capacity. And through these it is deduced that the manner is the same for both understanding what you relate and relating what you understand. (33.5)[30]

Knowledge, practice, ability, and practical employment are all features that appear earlier on (14.3). The point of the passage is to highlight the necessarily practical aspect of oratory. The orator should not only acquire knowledge about individuals and the world, he should also utilize that knowledge to practical ends by means of regular training in realistic situations. Messalla's comments upon his arrival thereby acquire a new and greater meaning when seen in the light of his speeches. The speeches and the interstitial comments paint the *Dialogus* as a textual enactment of an oratorical ideal and as one of the means by which orators, both those participating in the dialogue and its external audience, can exercise their talents. Messalla's praise of the interlocutors and of their penchant for debate redounds to Tacitus' credit, highlighting his own educational achievements as a beneficiary of learned discussions such as those of the *Dialogus* itself. And if we again read the *Dialogus* as not just modeled on, but actively competing with a Ciceronian model such as *de Oratore*, we find that Tacitus has implicitly outdone Cicero on one account: he is actually present at the conversation he depicts and is thus its beneficiary – Cicero in *de Oratore* only claims to have gotten a second-hand account of the debate through Cotta.

From interstice to speech: liberty, renown, politics

The contradictions and exaggerations in Messalla's statements have lent greater credence to Maternus' final speech. He seems to offer a historical explanation for decline by introducing political climate as a factor. In the process, however, he re-emphasizes the tension between renown and

[30] The passage is made difficult by the density of vocabulary and the rhetorical employment of *commutatio* ("interchange," cf. *Rhet. Her.* 4.39) at the end of the sentence. *Meditatio* could also mean "reflection," so Güngerich (1980) 147; Mayer (2001) 192, with reference to *meditatam* in 6.5; I here follow Winterbottom (1970) 321; cf. Gudeman (1914) 446. The close interlacing of language and thought seems to reflect the meaning: the various elements underlying oratorical preparation are inseparable.

decline, providing a historical backdrop against which to understand that tension. Although the present chapter focuses on the interstitial passages, the main emphasis in the following section will be on the relationship between interstice and speech in Maternus' concluding syncrisis of republican and imperial *eloquentia*. An implicit justification throughout is that the interstices help us learn how to evaluate the speeches in a different light, and in particular to have a greater awareness of the vocabulary that the speakers employ.

On Maternus' account, a change in the venues and purpose of oratory has altered how *eloquentia* may be used for political advancement. Orators of the past had greater scope, what he terms *licentia* ("permissiveness," "lack of restraint"), through which to achieve notoriety. He famously criticizes unrestrained *eloquentia*:

> non de otiosa et quieta re loquimur et quae probitate et modestia gaudeat, sed est magna illa et notabilis eloquentia alumna licentiae, quam stulti libertatem vocant, comes seditionum, effrenati populi incitamentum, sine obsequio, sine severitate, contumax temeraria arrogans, quae in bene constitutis civitatibus non oritur.
>
> I'm not speaking of some inactive and calm thing and one which enjoys approval and restraint, but that great and notorious eloquence is the nursling of license, which fools call freedom. It's the companion of seditious actions, the goad of an unbridled people, lacking compliance, lacking sternness, contumacious, reckless, arrogant, and does not occur in well-ordered states. (40.2)

Maternus had already hinted at this problem earlier in the dialogue when he encouraged Messalla to expatiate freely on developments in education since the Republic: *cum de antiquis loquaris utere antiqua libertate, <a> qua vel magis degeneravimus quam ab eloquentia* ("since you're speaking of the ancients, make use of ancient *libertas* – we've fallen away from it even more than from eloquence," 27.3). The earlier comment foreshadows the later analysis in which the opposition of *licentia* to *libertas* figures prominently in his conception of the Republic.

As has been the case throughout the dialogue, vocabulary in the interstitial passages alerts us to a distinction that will guide the later train of discussion. Maternus claims that the present day has fallen away from *libertas* even more (*vel magis*) than from *eloquentia*. *Eloquentia* is not simply a neutral definition; it indicates the qualitative aspects of oratory, much like the term *orator* designates a speaker of highest achievement. Maternus only tentatively suggests a change in *eloquentia*, directing his interest instead to

libertas, the signal term to indicate effective engagement in the political sphere. Maternus later connects restrictions on *libertas* with restrictions on the development of *eloquentia*. Yet his opposition here connects the two terms in such a way as to undermine a strict correlation between them, suggesting that while *libertas* influences *eloquentia*, free speech and qualitative speech do not exactly mirror one another. The statement prepares the reader to examine the relationship between ability and the venues for exercising that ability.

In his final speech Maternus ultimately connects *libertas* to the question of renown:

> credite, optimi et in quantum opus est disertissimi viri, si aut vos prioribus saeculis aut illi quos miramur his nati essent ac deus aliquis vitas ac [vestra] tempora repente mutasset, nec vobis summa illa laus et gloria in eloquentia neque illis modus et temperamentum defuisset: nunc, quoniam nemo eodem tempore assequi potest magnam famam et magnam quietem, bono saeculi sui quisque citra obtrectationem alterius utatur.
>
> Believe, best – and as much as is necessary – most eloquent (*disertissimi*) men, if either you had been born in a previous generation or those men whom we admire had been born in this one, and some god had suddenly switched your lives and times, you would neither lack that supreme renown and glory in eloquence (*eloquentia*), nor would those men lack measure and moderation: but as it is, since no one can achieve great fame and great calm simultaneously, let each man enjoy the good of his own age without the detraction of another. (41.5)

This passage has often been viewed as encapsulating the Tacitean message of a decline in oratory brought about by historical conditions, namely, the rise of the Empire. The principate, the story goes, has imposed limitations upon public political oratory, which, consequently, no longer thrives as it once did. But a handful of interpreters have pinpointed a curious detail there, one that ties back into Maternus' statement on *libertas* at 27.3. Although it has been common practice to see the last speech as a broadly historical explanation rooted in systematic change of government, the precise terms of Maternus' discussion are worth revisiting.[31] The tension between individual prerogative and civic duty was hardly new; already Cato the Elder remarked: "it's fitting to make use of right, law, and freedom in common, but glory and honor as each man can work for himself" (*iure,*

[31] Following a long line of interpretation, Mayer (2001) 215: "Maternus now puts the cap on his argument by stressing that time has wrought changes in Rome's civil condition." Cf. ibid. 216: "Maternus urges an historical point of view, founded upon the fact of constitutional change."

lege, libertate, republica communiter uti oportet: gloria atque honore, quomodo sibi quisque struxit, *ORF* 58). Klingner first objected to the equation of Maternus' final speech with the Tacitean message by noting the limited categories used to distinguish the principate from the Republic: "He in fact measures traditional Roman and contemporary political conditions by only one specific group of values, by order, peace, and tranquility, in which case the old Republic naturally finds itself in an inferior position."[32] An excess of *libertas*, which Maternus claims was actually *licentia*, brought orators greater achievement through their employment of *eloquentia*, but at the cost of political order. Maternus' analysis of the changed role of public political oratory ultimately concludes by tying political disorder to oratorical fame.

Two points should be made about Maternus' analysis. First, the broader discussion in his final speech does detail the changed circumstances of public oratory. The affinities, however, of his arguments to Aper's explanation of rhetorical change have been overlooked.[33] Aper and Maternus provide complementary aetiologies to explain the changes in oratory since the end of the Republic. Maternus remarks that the avenues for self-assertion through public oratory are more limited, with a resulting decrease in the rewards for employing *eloquentia*. Aper, however, discusses the new paths that oratory has trodden – such as the expansion of the centumviral courts or the increasingly philosophical and literary nature of *eloquentia* – and relates those developments to his championing of modern stylistic values.

Second, Maternus' narrow framing of the problem in terms of fame and political disorder deserves greater emphasis. C. O. Brink was among the few advocates who followed Klingner, pointing out Maternus' peculiar focus, although the implications of that focus for the work's overall message have not been sufficiently elucidated.[34] Maternus contrasts the diminished

[32] Klingner's 1932 essay was reprinted and is cited here as Klingner (1965). Klingner (1965) 506–7: "Er mißt nämlich die altrömischen und die gegenwärtigen politischen Zustände nur an einer bestimmten Wertgruppe, an Ordnung, Friede und Ruhe, wobei dann freilich die alte Republik minderwertig dasteht."

[33] Chapters 4 and 5 go into greater detail. In brief: Aper and Maternus discuss the cultural and political factors that have reshaped oratory. While Maternus remarks on a number of aspects that inhibit the practice and development of oratory, Aper's second speech demonstrates and champions the institutions that have supplanted and continue to foster oratory in the Empire.

[34] Brink (1989) 485: "For Maternus' historical cause, though rightly celebrated, is an answer only in a manner of speaking. Its main function in the composition of the *Dialogus* appears to be to refute Messala's *causa* by implication." He then turns to the conclusions that Maternus draws: "Maternus too denies decline, or admits it only in a manner of speaking (*Dial.* 41). Hence again no aetiology is called for; the subject of the dialogue is invalidated: the orators of the day are as competent as they can be – in the conditions of the day, which have their own advantage" (Brink [1989]

fame that modern orators can hope to achieve against the political climate in which they operate. His conclusions return to the relation between fame and eloquence: *nec vobis summa illa laus et gloria in eloquentia neque illis modus et temperamentum defuisset . . . nemo eodem tempore assequi potest magnam famam et magnam quietem*. Herein lies the key to understanding Maternus' final answer, which is of a piece with the broader conclusions that the work has slowly – yet consistently – developed.[35] He does not show that there has been a decline in oratory; rather, the close of the work holds that renown and glory are withheld from the moderns, in the same way that measure and restraint were lacking in previous generations. Again, the work redirects its message to the question of renown, while undercutting the thesis of oratory's demise. For it is precisely the prospect of decline that Maternus' closing comments contradict by stating that the moderns would achieve the same fame as the ancients. They are no less capable; rather, circumstances prohibit their recognition. Ultimately, Maternus demonstrates the incommensurability of fame and political order, not the incompatibility of *eloquentia* and empire.

Brink's analysis has not been welcomed in all quarters. T. J. Luce remarks: "But this confuses what is potential with what is actual: contemporary orators have the potential to be great, but the political climate prevents that potential from being realized. Oratory itself has declined and no great orators exist at present."[36] Luce has identified the key tension of the last speech, but has wrongly emphasized its broader ramifications. The dichotomy that the *Dialogus* examines is not that of "actual" versus "potential," but of ability versus recognition of that ability.[37] That is a

497). Brink argues that deficiencies in Maternus' answer ultimately serve to refocus attention onto Messalla's criticisms of modern education and training; through Messalla Tacitus ultimately rejects Quintilian's neo-Ciceronianism. He overlooks the complications and contradictions of Messalla's arguments, and assumes that references to Cicero entails acceptance of his values. This latter problem is discussed in Chapter 6.

[35] Two important parallels may be mentioned. First, at 11.2 (Maternus' first speech) and 36.4 (his second speech) Maternus uses the phrase *notitiae ac nominis*. Through the use of parallel language Tacitus suggests that the two speeches are closely tied together in terms of their thematic content, that is, the relation between fame and *eloquentia*. Just as the fame acquired through the practice of *eloquentia* was central to Maternus' first speech, it remains so to the end. Second, Maternus' use of *famam . . . assequi* echoes *idem assequi* from the introduction (1.2), which establishes thematic ring composition in the work.

[36] Luce (1993a) 15–16 n. 17.

[37] Luce's analysis perfectly demonstrates how emphasis on decline almost inevitably requires us to locate the work's message in a single speech and in isolation from the rest of the work (although his persuasive model argues precisely against such a method). His analysis of Maternus' arguments makes sense if we consider the speech solely on its own terms. But when read against the broader dynamics of the work, and in particular the developed tension between recognition and decline, a different message comes to the fore in Maternus' last speech.

crucial, yet subtle distinction, which the *Dialogus* carefully develops from its first sentence to its final statements. Modern orators are as capable and admirable as their ancient counterparts – the *Dialogus* has thus far only demonstrated that fact – but their achievements are not recognized. The reasons for this are to be found in the changed circumstances of the principate. Political order harbors the consequence that oratory can no longer take advantage of the same traditional venues that existed for orators of the Republic.

At the same time, the *Dialogus* repeatedly permits the prevalent – yet unproven – supposition of decline to be voiced by contemporaries such as Fabius Iustus, Messalla, or Maternus. Decline is an (undoubtedly powerful) assumption, but remains no more than that to the dialogue's very end. Tacitus demonstrates the limited scope for oratory to gain recognition, while also acknowledging the political necessity of those limits. Such resignation does not amount to a condemnation of oratory and its decline. In place of that assumption, Tacitus optimistically and realistically counters *bono saeculi sui quisque citra obtrectationem alterius utatur*.

Conclusion

At the formal level we can think of the interstitial passages as transitional devices which guide us from one speech to another. Yet they also possess a substantive logic of their own, forming the foundation for thematic developments. By guiding the terms of debate around the tension between renown and decline they also provide a broader coherence to the work, a kind of narrative stitching that frames and holds together the speeches. While Tacitus largely directs attention between the speeches to the issue of renown, he also partly develops that theme within them, and the ultimate explanatory force of that problem comes to the fore in Maternus' final remarks. This tandem progression of argument in the interstitial sections and the speeches demonstrates that neither can be placed in a hierarchy; both contribute essentially to the work's design. And many difficulties in perceiving the message and architecture of the work can be resolved by attention to the sections outside the speeches.

The present analysis of the interstitial passages has followed an essentially forward-driven progression. This is only one means of reading the text: we can follow a particular set of themes across the work without necessarily reducing the possibilities for reading the text to a single direction. One complexity in the process of reading, more prominent in the speeches, emerges when arguments refer both forwards and backwards, in such a way

that they unfold through multidirectional statements: leitmotifs, shared metaphors, competing temporal schemes and developmental aetiologies, or, as we partly saw in the present chapter, key vocabulary.

The use of vocabulary in the *Dialogus* evinces characteristics often associated with the Tacitus known to readers from the historical works. The slippery use of language forces the reader to follow an idea across narrative or formal stretches of a work in order to achieve a greater sense of the meanings and complications of seemingly neutral vocabulary. Tacitus readily allows tensions created by semantic polyvalence to unfold in tandem with arguments and events, as programmatic vocabulary is embedded into the length of a work. The *Dialogus* semantically dramatizes the work's vocabulary, developing the meanings of *laus*, *libertas*, or *malignitas*, for example, throughout the course of the dialogue. As the work in its progression slowly pulls debate towards the problems of *laus* and related terms (*fama*, *gloria*), it also brings us to a sense of fame that aligns with a traditional – or at least Ciceronian – sense of public recognition in the political arena. And it ultimately comes to reject the cultural climate in which those forms of recognition could thrive.

This analysis reframes discussion in patently social terms, enmeshing the problem of oratorical achievement in a web of cultural categories. To explore how individuals accord renown to the practice of skilled speech requires a preliminary examination of underlying values. Tacitus thereby inverts the direction of analysis: the speakers no longer simply evaluate oratory with terms drawn from a cultural context, but rather oratory becomes the lens through which to focus on Roman habits of thought. It is of course a tendency in the text that has prompted dissatisfaction on the part of readers: by expanding the narrower problem of defining oratory to a broader assessment of individual self-presentation through skilled language and of the norms and values that define *eloquentia*, the text loses sight of its putative object.

Still, in some regards, Tacitus does answer the work's opening question. But dialogues, like most literary texts, rarely limit themselves to the circumscribed terms posed at the outset – no one would define the *Iliad* as simply an explanation of Achilles' wrath, however much the narrative orbits around that guiding topic.[38] In a teleological sense, the *Dialogus* offers a conclusive answer, but resolution of the initial tension between decline and

[38] Similarly it is worth remembering that Cicero introduces *de Oratore* as a dispute between Cicero and his brother Quintus over the respective importance of talent and training, on the one hand, and knowledge, on the other. It quickly becomes clear that, while those terms may frame the work, the text itself far more capaciously investigates and redefines the *orator*.

renown in favor of diminished recognition only opens up new vistas onto a range of other problems. How do we accord fame and why? What are the evaluative mechanisms for *eloquentia*? If the dialogue is not strictly about decline, then what does it examine, how do we judge the past or describe perceived changes to rhetorical practice? These interrelated questions are taken up from different perspectives in the work's speeches.

CHAPTER 4

A world of eloquentia

In turning to the speeches themselves, a number of complexities arise in the first debate, which, at the surface, turns on a dispute over literary practice in generic terms: oratory versus poetry. Tacitus begins to outline there the much broader question of what it means to employ eloquence at all. What are the practical benefits, imaginative impetuses, and social catalysts that shape contemporary skilled speech? He likewise develops a number of themes with a sustained influence on the *Dialogus*' discussion, such as the acquisition of fame, the responsibility to social obligations, and the realities of political engagement in the imperial world. But for all the shifting focuses and diversity of opinion, the speeches in conjunction begin to explore what will eventually become the dialogue's central subject: *eloquentia*.

Any reader will along the way encounter the contradictions internal to the speeches of the first debate. Inapposite *exempla* and poorly calculated literary references seem to undermine the arguments presented by both speakers, Aper and Maternus. The problem is compounded by their peculiar reluctance to refute one another's claims in any detail, a characteristic common to all the speeches in the *Dialogus*. Certain points are challenged, yet the integrity and plausibility of the arguments are maintained. The process eschews precisely the dogged debate that one might expect; no Socratic *elenchus* or extensive deliberative exchange can be found.

Rather than see these difficulties as problems to be overcome (much less to be ignored) we can also consider how they are an essential and productive feature of dialogue. The interpretation proposed in what follows seeks to account for the manifold contradictions and seemingly superficial debate, arguing that these characteristics entail a positive, intentional aspect of the dialogue's literary artistry. The lack of sustained counterargument bears a direct (if not immediately apparent) connection to the numerous contradictions. Ambiguity and contradiction within the arguments themselves allow Tacitus to examine *eloquentia* with greater sophistication. Rather than voice fine distinctions, concessions, or caveats through explicit

disagreement or quibbling over minor points, the work instead permits nuance to emerge obliquely, through internal conflicts in a speaker's statements, or by allowing the reader to reconstruct larger arguments by analysis and comparison of the competing claims. Literary dialogue can employ systematic contradiction and, paradoxically, a lack of substantive debate for the sake of a sophisticated yet coherent evaluation of an issue. The *Dialogus* does not merely present standpoints that a reader must accept or reject, it also considers, through ambiguity and inconsistency, the polymorphous forces that shape the evaluation and practice of *eloquentia*.

Aper's first speech (5.3–10.8)

When Aper initiates debate by setting his sights on Maternus – the gifted orator and poet – he pointedly claims to forego criticism of those poets, such as Saleius Bassus, who lack the stuff that makes good orators. Instead, we are told, Aper specifically disputes Maternus' abandonment of the bar.[1] The focus on Maternus, in distinction from poets generally, undermines his innocence by association with the poetic guild: *non patiar Maternum societate plurium defendi* ("I won't permit Maternus to be defended by his association with the majority of men," 5.4). Unlike most poets, Aper alleges, Maternus abandoned his natural endowment for manly, rhetorical eloquence, *natus ad eloquentiam virilem et oratoriam* (5.4). He can no longer maintain friendships, acquire dependencies, or aid the provinces. Aper then lays out his argument in the manner of a rhetorical *partitio* ("division of main points"): *utilitas*, *voluptas*, *dignitas*, *fama*, and *notitia* ("expediency," "pleasure," "standing," "fame," and "notoriety").[2] With the exception of *voluptas*, these key values motivate the aristocratic Roman male's participation in daily *negotium*.[3] Aper agitates for involvement in the public sphere via the employment of oratory.[4]

[1] The unfortunate textual state in § 5.4 leaves uncertain whether Secundus will act as judge on this issue. See Murgia (1978) 173–4 and Possanza (1995) for a discussion of the textual issues, summary of opinions, and bibliography.

[2] Most editors supply <*vel ad voluptatem dulcius*> at 5.4. Mayer (2001) nicely explains the scribal *saut du même au même* which would have caused the omission.

[3] Champion (1994) discusses the terms in his reading of Aper's first speech, arguing that, in distinction from the other values, *voluptas* is morally questionable, especially in Cicero. That emphasis is too one-sided, since the moral and practical associations of *voluptas* were often context dependent. See van den Berg (2012) for (brief) contextualization of the term in the deliberative tradition and throughout the *Dialogus*, where its use is unquestionably positive (as it is in Pliny's letters). Dominik (1997b) 59 notes the increased role of pleasure as a driving force in the composition and reception of oratory. As usual, Quintilian pragmatically sees through to the practical significance of the abstract qualities: pleasure serves the speaker and his cause when it keeps the audience focused on the speaker's shaping of the material. He cites Cicero as the authority for that opinion (*Inst.* 12.10.44–5).

[4] Maternus' abstention from his duties could even carry legal consequences; Rutledge (2001) 117.

Apart from providing a rhetorical *dispositio*, the opening brings up an issue that is never resolved. Does Aper's speech criticize Maternus as the genus "poet" or the particular species "natural orator turned poet?" Conversely, whether Aper truly refrains from attacking poets, as he claims, remains uncertain. The unresolved tension might prove irrelevant if Aper's complaint against Maternus did not quickly expand its reach to a generic discussion of oratory versus poetry. Moreover, the speakers keenly take note of the problem. Maternus' immediate response to Aper notes the distinction he had made between his specific case and poets in general: *me . . . arte quadam mitigavit, concedendo iis qui causas agere non possent ut versus facerent* ("He soothed me by some ploy, conceding to those who can't argue cases that they should write verses," 11.1). The distinction "specific–general" resurfaces later in the work when Aper criticizes the *antiqui*: *sed mox ad singulos veniam, nunc mihi cum universis negotium est* ("I'll get to individuals in a moment; right now I'm dealing with everyone,"18.6). Messalla chides Aper, in turn, for not providing examples of modern orators to support his praise of the modern age: *quorum neminem Aper nominare et velut in aciem educere sustinuit* ("None of whom Aper undertook to name and, so to speak, bring out for battle," 26.5). The speakers remain aware of – and communicate to the audience – the distinction between a general claim and the application of evidence that would support it. They thereby emphasize a general complication in the work's debates, drawing attention to the correspondence of argument and proof and to the applicability of *exemplum* to ideal: does evidence support or undermine a given statement? In turn, the characters' explicit reference to the problem piques the attention of the rhetorically acute audience that the *Dialogus* assumes for itself. Just as the interstitial passages highlight key themes or vocabulary, as well as the dialogue's setting and presentation of arguments, so the speeches create a secondary layer of commentary. They reveal the manner of presentation and the underlying logic of the arguments.

These peculiarities in the work's evidentiary procedures resurface in three main areas. First, Aper and Maternus defend their choices with recourse to values that generally animate both orators and poets. Their individual choices quickly lead into a broader defense of poetry and oratory, referring these practices to social and cultural values. Second, the "specific–general" antinomy arises in a central topic of both the first two speeches and the work as a whole: *eloquentia*. The initial terms of the first debate leave the reader expecting a discussion that strictly divides the forensic

from the poetic, yet the speakers do not sustain that distinction and soon discuss the role of *eloquentia* in general.[5] Third, the interlocutors employ controversial *exempla*: Aper mentions two noted imperial informants (*delatores*), Vibius Crispus and Eprius Marcellus, in discussing the moral and social probity of the orator's calling, while Maternus' *exempla*, and his writing of controversial tragedies, contrast sharply with his ideas of poetry as innocent and socially detached.[6] Both Aper and Maternus fail remarkably in their choice of *exempla*, thus widening the gulf between proof and proposition. Chapter 2 argued for the need to pay serious attention to the potential implications of faulty argument or obvious contradictions in the work, and in the first two speeches the contradictions are so systematic that one is hard pressed to regard them as a merely casual effect. Accordingly, the following discussion reads them not as a failure of argument, but as a positive means of supplementing and enhancing the work's message. Rather than resolve the disjunction between general claims and specific statements, the *Dialogus* exploits inconsistency to further the scope and complexity of discussion and to invite the reader to reflect on the implications of specific inconsistencies for our interpretations.

Defending Aper's defense

In Aper's first speech, for example, we encounter a brusque divide between his own justification of oratory and the *exempla* he elicits to support his claims. His mention of two noted *delatores*, Vibius Crispus and Eprius Marcellus, has spurred significant scholarship that long condemned his utilitarian approach to forensic activity.[7] Recent defenses of Aper in Champion (1994) and Goldberg (1999) have challenged that picture. The latter's essay grouped the attacks into: 1) "the assault on character" (his association with *delatores* and his "boorish" manner) and 2) "the assault on seriousness" (his later questioning of the term *antiqui*

[5] Both Döpp (1995) 210 and Allison (1999) suggest this point without addressing it in detail. I discuss below the exact workings of this broader redefinition. Allison, discussing Plato's influence, sees *eloquentia* as the subject of the work's *encomium* in the same manner that *eros* becomes the central figure of the *Symposium*. Rutledge (1996) and (2000) takes a different view of the Platonic model, interpreting the *Dialogus* as critical of Aper's praise of eloquence.

[6] As noted by Luce (1993a) 22–5. Levene (2004) 168 also discusses the contradictions in some of Maternus' *exempla*. I discuss these below in detail and as a general strategy of the dialogue.

[7] Gudeman (1894) and (1914) began a trend that scholars such as Syme (1958) 331–3, Winterbottom (1964), and Williams (1978) 26–51 continued. Recent resuscitations of Aper, Champion (1994) and Goldberg (1999), have not assessed in great detail his second speech, the longest of the work. Levene (2004) 172–9 does consider its view of literary history.

and his alleged role as *advocatus diaboli*).[8] The negative view of Aper persists.[9]

Keeping this debate, however, in the background,[10] the following details Aper's conception of oratory: his own forensic career centers on aiding others and in particular on defending them.[11] Furthermore, the advantages of this activity, while assessed through the values of *utilitas*, *voluptas*, *dignitas*, and *fama/notitia*, coalesce into one guiding principle: the attainment of self-sufficiency and individual autonomy. Maternus will respond in kind by stressing the poet's independence from social and political obligation.

Aper begins his plea for Maternus' involvement in legal practice by naming *utilitas* (expediency): *si ad utilitatem vitae omnia consilia factaque nostra derigenda sunt* . . . ("If all our deeds and designs are to be directed towards utility in life . . . "). The statement might imply an exclusive concern for expediency in vocational choice. Yet the progression through a discussion of *voluptas*, *dignitas*, *fama*, and *notitia* shows that utility comprises only one among many of the orator's considerations. Aper also couches the point as a conditional statement and subsequently lists other motivations, including the question of "honorable" pursuits.[12] He quickly limits discussion of *utilitas* rather than dwelling on it: *plura de utilitate non dico, cui parti minime contra dicturum Maternum meum arbitror* ("I won't speak more about expediency, against which issue I think my friend Maternus will speak the least," 5.7). Aper's views, far from being unconventional or outlandish, can be set squarely within the Greco-Roman deliberative tradition.[13] The

[8] Goldberg (1999) 227. Allison (1999) has further argued that the work offers an *encomium ad eloquentiam*, making Aper partly (though primarily in his second speech) the work's message bearer.

[9] e.g. Mayer's Cambridge commentary (2001); Strunk (2010) repeats anti-Aper arguments. In the significant German scholarship, opinion on Aper has budged little: e.g. Schirren (2000) and Dammer (2005), but Manuwald (2001) allows for a more nuanced reading of Aper.

[10] Any discussion of Aper necessarily refers to these works and a host of other scholarship. Yet, to my mind, Levene (2004) has followed an impressive avenue of investigation, touching on these debates where necessary, but assessing the broader picture of literary history that progressively develops. I approach the speeches similarly but, whereas Levene focuses on literary history, I explore the dynamics of the work's dominant subject: *eloquentia*.

[11] Rudich (1985) 96 notes: "Despite his references to Eprius Marcellus and Vibius Crispus as the *exempla* to be followed, there is no evidence whatsoever that he himself had anything to do with *delatio*. Moreover, the emphasis of his defense of oratory lies in the idea of defending people, not prosecuting them." Mention of defending imperial administrators (7.1), I argue below, touches on broader issues of status and imperial power common to both speeches in the first debate.

[12] Aper later mentions *voluptates honestas* (6.2) and discusses *honestum* (10.5).

[13] I have explored the full context of Aper's arguments in the deliberative tradition and the complexities of his statements in the Introduction and in van den Berg (2012). Additionally, the formulation, like many in Aper's speech, has forerunners in Cicero's *de Oratore*. Crassus speaks approvingly of the orator who "would expend more effort on the Forum, friends, and his family fortune" (*plus operae Foro tribuebat, amicis, rei familiari*, 3.86). Gleason (1995) 160 contextualizes Aper's arguments:

passage introduces the practical benefits of a particular kind of forensic oratory. Aper promotes aiding and defending others:

> quid est tutius quam eam exercere artem qua semper armatus praesidium amicis, opem alienis, salutem periclitantibus, invidis vero et inimicis metum et terrorem ultro feras, ipse securus et velut quadam perpetua potentia ac potestate munitus? cuius vis et utilitas rebus prospere fluentibus aliorum perfugio et tutela intellegitur; sin proprium periculum increpuit, non hercule lorica et gladius in acie firmius munimentum quam reo et periclitanti eloquentia, praesidium simul ac telum, quo propugnare pariter et incessere sive in iudicio sive in senatu sive apud principem possis.
>
> What is more safe than practicing that art, continually armed with which, you may provide aid to associates, resources to others, and safety to those on trial, and you may actively strike fear and dread into your rivals and enemies of your own accord, yourself secure and protected by a kind of enduring force and power? Its power and usefulness is regarded as a protection and refuge for others, when your own affairs are prosperous. But if some personal danger arises, no breastplate or sword – by Hercules – is a more enduring bulwark in battle than eloquence is for a defendant or someone in legal danger; it is a defense and weapon at the same time, with which you can both fight forward or attack, whether you're in a law court, the Senate, or before the emperor. (5.5–6)

The focus occurs repeatedly: *aut reum prospere defendere aut apud centumviros causam aliquam feliciter orare* ("either to defend a client successfully or to plead some case victoriously before the centumvirs," 7.1). In addition, he chides Maternus' failure to defend others: *quis ideo domum defensus et tibi obligatus redit*? ("Who then returns home defended and obligated to you?" 9.2). Aper's description of his own forensic activity paints a picture centered on defending and assisting others.[14]

"the image of an individual performer dominating his audience by individual talent functioned as a potent myth . . . it validated a larger system of class dominance by presenting it in purely personal terms as the inevitable triumph of innate *virtus*."

[14] Mayer (2001) 102 paraphrases *ultro* at 5.5: "i.e. as prosecutor." However, *ultro* here need not refer solely to prosecution (although it does suggest it). One could likewise instill fear in others as counsel for the defense by effectively attacking an opponent or by the threat posed to others by one's own rhetorical prowess (note that Aper does not extend the metaphor by saying that he actively strikes out at others, but that he strikes fear into them, though the point should not be pressed too far). The term *incessere* is strong, though no stronger than what we find among other orators – Cicero unreservedly praises Pericles for his ability to instill dread in his fellow Athenians: *vim dicendi terroremque timuerunt* (*Brut*. 44). That Aper revels in using the orator's power does not mean that he abuses that power. The moral imperative was not to prosecute repeatedly and not to do so of one's own accord; cf. Plin. *Ep*. 3.9 for his anxiety over precisely this problem, a letter perfectly situated shortly after the preparatory criticism of Silius Italicus, thought under Nero to have sought out prosecutions of his own accord (*credebatur sponte accusasse*, *Ep*. 3.7.3). The suggestion of prosecution

Still, scholars have questioned his emphasis on social benefits and the seemingly violent terms in which he paints rhetorical practice, often with the implicit assumption that such values were un-Roman or demonstrate the immoral trajectory of oratory in the Empire.[15] The martial and material emphases are traditional, and Tacitus has crafted Aper's claims on those of Crassus in Cicero's *de Oratore*:

> Quid tam porro regium, tam liberale, tam munificum, quam opem ferre supplicibus, excitare adflictos, dare salutem, liberare periculis, retinere homines in civitate? Quid autem tam necessarium, quam tenere semper arma, quibus vel tectus ipse esse possis vel provocare integer vel te ulcisci lacessitus?
>
> What, furthermore, is as kingly, honorable, and duty-bound as bringing aid to the distressed, lifting up the weak, giving salvation, freeing them from dangers, and maintaining their civic rights? What, moreover, is as necessary as always possessing the arms with which you can either be protected, or strike unharmed, or avenge yourself when attacked? (*de Orat*. 1.32)

Aper has updated the Ciceronian ideals by noting the orator's role in arguing before the emperor, yet his martial metaphors are hardly suspect in light of the tradition.[16] References to weapons (*arma*), far from being objectionable, would be conspicuous by their absence: the *Rhetorica ad Herennium* associates weapons with words; Cicero and Quintilian develop the metaphor and the underlying idea by likening the orator to the soldier or officer in order to underscore the considerable power wielded by a capable speaker.[17] Quintilian's ideal has a man armed not only for forensic

should be seen in Aper's claim to aid the provinces, in which statement one naturally thinks of the *repetundae* prosecutions, such as that of Marius Priscus in 99/100 CE by Tacitus and Pliny (discussed in Chapter 1); Cf. Güngerich (1980) 21. Such prosecutions were essential for the effective management of the state and for some semblance of equity in provincial administration; see Brunt (1961); Crook (1995) 138–9; Rutledge (2001) esp. 9–16, 175–81; and Rivière (2002). Quintilian sees prosecution as a necessary duty for his moral conception of the orator (*Inst*. 12.7.1–2).

[15] Cicero's similar, if less subtle, claims are overlooked: "we are all led by a desire for praise and the best men most of all are led by glory" (*trahimur omnes studio laudis, et optimus quisque maxime gloria ducitur*, Cic. *Arch*. 26); "since no one before me has reaped such rewards in return for this [oratorical] diligence" (*cum praemia mihi tanta pro hac industria sint data quanta antea nemini*, Cic. *Mur*. 8). Cf. Cic. *Cael*. 46.

[16] Cf. Goldberg (1999) 229–31.

[17] *Rhet. Her*. 4.28 gives an inchoate version of the idea in discussing the effects of repetition (*conduplicatio*): *vulnus maius efficit in contrario causae, quasi aliquod telum saepius perveniat in eandem partem corporis* ("a greater wound is made against the opposing case, as if some weapon were repeatedly striking the same part of the body"). Cicero begins his earliest rhetorical treatise by speaking of arming oneself with eloquence *sese armat eloquentia* (*Inv*. 1.1). Quintilian claims that such violent language – phrases like "hand-to-hand battle," "going for the jugular," and "bloodletting" had become so humdrum as to no longer bother anyone: *illa in agendis causis iam detrita "pedem conferre" et "iugulum petere" et "sanguinem mittere"*. . . *nec offendunt tamen*, *Inst*. 8.6.51. Compare Pliny's milder version, *iugulum premo*, a quote from Regulus (*iugulum statim video, hunc premo*, 1.20.14). Regulus' point, however, is quickly discerning the main issue in a case.

duties but even for the handling of household affairs: *quem armatum semper ac velut in procinctu stantem non magis umquam in causis oratio quam in rebus cotidianis ac domesticis sermo deficiet* ("fluency at the bar will no more fail a man who is always armed and standing as it were ready for battle than conversation will fail him in his daily domestic affairs," *Inst.* 12.9.21). In discussing the value of poetic adornment, Quintilian remarks that the orator's weapons must remain forceful enough to instill dread in one's enemies, like the gleaming iron of a weapon (*fulgorem in iis esse qui terreat, qualis est ferri*, 10.1.30).[18] Aper's vocabulary is entirely of a piece with the Roman rhetorical tradition, and to condemn it is to condemn Roman oratory of all periods.

Self-sufficiency

As a champion of defense, Aper elaborates the advantages oratory affords him. Scholars had long denigrated his allegedly utilitarian stance, and have since offered more nuanced accounts of his motivations.[19] However, one overarching theme underpins his position: while oratory permits the orator pleasure, social standing, and recognition, Aper insists upon a connection between oratorical practice and individual autonomy, as forensic activity establishes self-sufficiency within the social order. At the same time, he even seems to challenge the terms of that system by stressing a personal independence that circumvents such social constraints as nobility, age, office, or wealth.

The encompassing pleasure that Aper describes in 6.1, *non uno aliquo momento, sed* [*prope*] *omnibus diebus ac prope omnibus horis* ("not merely one moment, but daily and almost at every hour") derives from its immediate benefits:

> quid enim dulcius libero et ingenuo animo et ad voluptates honestas nato quam videre plenam semper et frequentem domum suam concursu splendidissimorum hominum, idque scire non pecuniae, non orbitati, non officii alicuis administrationi, sed sibi ipsi dari, ipsos quin immo orbos et locupletes et potentes venire plerumque ad iuvenem et pauperem ut aut sua aut amicorum discrimina commendent?

[18] The traditional term *arma* precedes this citation. Cf. *de Orat.* 2.72. Crassus praises Antonius for his ability to attack others vigorously when necessary: *acriter insequens, terrens* ("pressing keenly, frightening," 3.32). Cf. Quint. *Inst.* 9.1.33 citing Cicero on language as a weapon, and 12.3.4 on legal advisors who merely provide weapons for the orator (*tela subministrant*). Assfahl (1932) 83–100 and Fantham (1972) 155–8 on the metaphorical language.

[19] Again, see Champion (1994) and Goldberg (1999) for the attacks on and resuscitations of this quondam boorish parvenu. Strunk (2010) seeks to revive anti-Aper arguments.

> What indeed is sweeter for a free and noble man's mind and one born for honest pleasures than to see his house constantly full and crowded by the throng of the most renowned men and to know that this has been given to himself by his own accord, and not because of money or childlessness or the tenure of office? Alternatively, indeed, what is sweeter than when the childless, wealthy, and powerful themselves frequently visit a young poor man in order to entrust to him their own legal concerns or those of their friends? (6.2)

Aper defines the attainment of a status independent of wealth or office, provided by and for oneself (*sibi ipsi dari*), underscoring the self-sufficiency of the activity. Aper's emphasis on *voluptates honestae* includes a set of complex ideas. First, the pleasures that one should pursue are related to the honor that they bestow on the practitioner, suggesting something like "pleasurable activities which also bring renown." The emphasis on the psychic benefits of public success makes sense in a context which seeks to explain oratory's role in society, yet Aper has given that context a personal turn by explaining the value to the individual of participation in oratory and further by appealing to the obligations of a Roman aristocrat.[20] Additionally, the benefits of oratory invert certain aspects of the social hierarchy, thereby freeing the orator from its constraints; disadvantages of youth and poverty become irrelevant: *venire plerumque ad iuvenem et pauperem*. Is any enjoyment of riches and power as great (*ullane tanta ingentium opum ac magnae potentiae voluptas*), asks Aper, as seeing the rich and aged readily admit that they lack the orator's more substantial acquisitions (*confitentes id quod optimum sit se non habere*, 6.3)? Oratorical ability surpasses money and power and erases the limitations of age.

Aper continues his focus on self-sufficiency when discussing the offices that contribute to his *dignitas*:

> equidem, ut de me ipso fatear, non eum diem laetiorem egi quo mihi latus clavus oblatus est, vel quo homo novus et in civitate minime favorabili natus quaesturam aut tribunatum aut praeturam accepi quam eos quibus mihi pro mediocritate huius quantulaecumque in dicendo facultatis aut reum prospere defendere aut apud centumviros causam aliquam feliciter orare aut apud principem ipsos illos libertos et procuratores principum tueri et defendere datur. tum mihi supra tribunatus et praeturas et consulatus ascendere videor, tum habere quod si non in animo oritur nec codicillis datur nec cum gratia venit.

[20] Cf. Syson (2009) on the value of *ingenium* and related birth metaphors for the aristocratic ideals reflected in the *Dialogus* and Roman rhetorical texts more generally.

> I'll speak about my own situation. When the broad purple stripe was bestowed upon me, a new man born in an extremely unfavorable city, and I took up the quaestorship, the tribunate, or the praetorship, I had no more brilliant day than those upon which I had the opportunity, in return for the mediocrity of my insignificant speaking ability, either successfully to represent a defendant or to plead a case prosperously before the centumvirs, or to protect and defend before the emperor the emperor's own freedmen and procurators. Then I seemed to rise above the tribunates and praetorships and consulates, then I seemed to possess that which, if it isn't inborn, can't be granted by decrees and doesn't arrive on account of indulgence. (7.1–2)

Aper details the senatorial career made possible upon receiving the *latus clavus* and then his tenure of office: quaestorship, tribunate, and praetorship. Rhetorical prowess, however, also upsets the strict correspondence between social standing and the acquisition of *honores*. After traditional assertions of modesty concerning his oratorical ability (*pro mediocritate huius quantulaecumque in dicendo facultatis*, 7.2), he reprises the mention of a *cursus*, but advances each of the positions – now tribunates, praetorships, and consulships (7.1). Aper imagines that oratory bestows upon him a power greater than office, most notably, greater than the office he has not held (the consulship: *supra . . . ascendere videor*). Again he stresses the orator's self-reliance and the independence of his achievements from imperial favor and from traditional venues of power.

At the same time, however, his ability to defend others places him in curious relationship to imperial administrators, who would often forego or were ineligible for the traditional *cursus honorum*. Aper complicates this image of power by mentioning that he defends the emperor's own freedmen and imperial procurators.[21] His anodyne summary glosses over a prominent tension in the distribution of power and honors in the Empire: the social mobility of those empowered by the emperor's direct dispensation of administrative duties. Freedmen and procurators are contrasted with those who follow the traditional *cursus*, whether as a *novus homo* (like Aper himself) or already as a member of the nobility.[22] However, Aper mentions both groups to stress the connection between *eloquentia* and power. Defending

[21] Fantham (1996) 194–5: "Aper himself is an established politician of praetorian status; he boasts of no prosecutions, only the speeches he has made as advocate in civil cases and as defending counsel – the more honorable role – before the emperor himself, on behalf of imperial freedmen and administrators. But these imperial officials were not loved, and his words would have been read with some skepticism by men of Tacitus's own class."

[22] Gelzer (1975) is the classic study of the term *nobilis*, indicating a senator of consular rank or a descendant of a consul, dictator, or consular tribune (though his broader vision of the Late Republic is contested). Cf. Barnes (1974), Brunt (1982), and Burckhardt (1990).

and aiding others also establishes and maintains superiority over them. In Aper's formulation, oratory functions both within and without established channels of power and structures of governance, a point perhaps reflected in his pairing of *potentia* with *potestas*, terms which can be contrasted as "unofficial, personal *potentia* on the one hand and legally formalized *potestas* on the other."[23] On the one hand, oratory aids him within a traditional *cursus*; on the other, it helps him overcome the constraints of that system through forensic activity. Rhetorical prowess allows him to transcend even the highest offices, suggesting a status attainable by no other means.

These considerations precede Aper's *exempla* for the utility of oratory, Vibius Crispus and Eprius Marcellus, figures whom many of Tacitus' contemporaries would have found unsavory.[24] Aper describes their accession to power in similar terms to those he had used in depicting his own success:

> nam quo sordidius et abiectius nati sunt quoque notabilior paupertas et angustiae rerum nascentes eos circumsteterunt, eo clariora et ad demonstrandam oratoriae eloquentiae utilitatem illustriora exempla sunt, quod sine commendatione natalium, sine substantia facultatum, neuter moribus egregius, alter habitu quoque corporis contemptus, per multos iam annos potentissimi sunt civitatis ac, donec libuit, principes fori, nunc principes in Caesaris amicitia agunt feruntque cuncta atque ab ipso principe cum quadam reverentia diliguntur, quia Vespasianus, venerabilis senex et patientissimus veri, bene intellegit ceteros quidem amicos suos iis niti quae ab ipso acceperint quaeque ipsi accumulare et in alios congerere promptum sit, Marcellum autem et Crispum attulisse ad amicitiam suam quod non a principe acceperint nec accipi possit.
>
> You see, the more humbly and destitute they were born, and the more remarkably poverty and straitened circumstances encompassed their birth, so much the more are they striking and illustrious examples to demonstrate the expediency of oratory. This is the case because, without advantage of birth, without considerable means, neither renowned for his character and one of them of despicable physique, for many years now they have been the most powerful men of the city. And as long as they desired, they were leaders at the bar and now as Caesar's primary adherents they carry all before them and are liked and respected by the *princeps* himself. This is because

[23] Gallia (2009) 176; cf. Mayer (2001) 102–3, who detects in *potestas* a hint of the magistrate's legal inviolability during the tenure of office.

[24] Aper's use of Crispus and Marcellus, noted *delatores*, has been the subject of enormous discussion and I focus at this point on their relevance to Aper's immediate argument; the problems with these *exempla* are discussed further below in the discussion of Maternus' *exempla*. See Goldberg (1999) for a recent account of their activities and bibliography; Rutledge (2001) provides a comprehensive overview of known *delatores* in the Early Empire; Rivière (2002) covers a longer period; see also Chapter 1 on the *delatores*. Rutledge (2001) summarizes the careers of Crispus (278–82) and Marcellus (225–8), with evaluation of their oratory by contemporary sources.

> Vespasian, that respectable and realistic old man, understands well that the rest of his friends, at least, depend on those things which they have received from him and which it is easy for him to amass and distribute to others. Marcellus and Crispus however, have brought to his friendship what they have not received, and cannot be received, from a *princeps*. (8.3)

Aper well demonstrates the expediency of eloquence by stressing social mobility.[25] Tacitus again looks to Cicero who has Crassus name Gaius Coelius and Quintus Varius: the first a "new man," the second uncouth and ugly (note Aper's emphasis on physical features), both obtained considerable prestige (*honor*) and influence (*gratia*) at Rome.[26] Aper's *exempla* are like Horace's self-styled poetic persona: *ex humili potens/princeps* (*Carm.* 3.30.12–13). Once leaders at the bar (*principes fori*), Crispus and Marcellus have both reached the same heights in their association with Vespasian, *principes in Caesaris amicitia*. The statement, reinforced by the repetition of *princeps*, suggests that forensic activity provides a status comparable to that of the *princeps*. Aper reiterates the point by noting that the terms of their connection to Vespasian operate on a virtually equal level: they bring to the association what the emperor cannot bestow. As evidence they serve Aper's claims well, but the two men were not universally admired, and even Aper must concede their moral shortcomings, a point which Maternus will press and to which we will return later on.

Patronage and power

Aper's emphasis on social exchanges, the giving and receiving of favors and money, may initially seem unconnected to individual autonomy, but a later passage situates his logic within a political and social framework. When Aper comes to speak of Saleius Bassus' recent poetic *recitatio* he touches upon the question of self-reliance. Once again, the context discusses giving and receiving, but now in a literal rather than figurative sense:

> laudavimus nuper ut miram et eximiam Vespasiani liberalitatem, quod quingenta sestertia Basso donasset. pulchrum id quidem, indulgentiam principis ingenio mereri: quanto tamen pulchrius, si ita res familiaris exigat, se ipsum colere, suum genium propitiare, suam experiri liberalitatem.
>
> We have praised recently Vespasian's generosity as wondrous and excellent because he had given 50,000 sesterces to Bassus. It is indeed a fine thing

[25] Luce (1993a) 36.

[26] *de Orat.* 1.117; although incapable speakers are of little interest to the interlocutors of *de Oratore*, Crassus will even concede that the worst (*vitiosissimi oratores*) still have some place in the forum (1.118).

> to earn imperial favor by means of one's talent. However, how much more beautiful is it, should domestic circumstances require it, to court oneself, to propitiate one's own genius, to experience one's own generosity. (9.5)

Liberalitas epitomizes the relationship between Vespasian and Bassus, but casts the connection into politically colored terms. *Liberalitas* is a loaded word, one that expresses a complex exchange involving the term that lurks in its etymology and that obtains an increasing importance as the work progresses: *libertas*.[27] Moreover, the general language of the passage would not have escaped the notice of Tacitus' audience. The act of giving, *indulgentia*, was "by now a technical term for imperial favour," yet Aper's contrasting vision of self-reliance works against any subject attitude towards the *princeps*: "courting oneself," *se ipsum colere*, "honoring one's own *genius*," *suum genium propitiare*, and "enjoying one's own generosity," *suam experiri liberalitatem*.[28] Aper envisages a mode of autonomy acquired through oratorical ability and independent of imperial patronage, possibilities unavailable to a poet like Saleius Bassus.[29]

Another significant theme of the speech, expressed by a group of traditional terms, embeds Aper's view of oratory within the context of personal patronage. Mention of the *necessitudo officii* and *fides advocationis* (10.6, quoted below) indicates the advocate's engagement in reciprocal exchange of favors with fellow elites and sub-elites.[30] Although scholars long thought that aristocratic patronage had been monopolized by the emperor and as a consequence essentially replaced by the bureaucratic systematization of offices, more recent work on patronage and its vocabulary has shown that the system, like so many others, thrived well into the imperial period. The

[27] Kloft (1970) and Stylow (1972) are natural starting points for the relationship between *libertas* and *liberalitas*. See also Manning (1985) and Roller (2001) 127–212 on "gift-exchange." Noreña (2011) 37–100 gives an excellent overview of imperial virtues.

[28] Quotation: Mayer (2001) 115–16; courting oneself: *OLD colere* 7; *genius*: *OLD genius* 2b: "the *genius* of an emperor, regarded as an object of worship"; *OCD* s.v. *genius* for summary; Gradel (2002) on emperor worship in Roman religion. Under the Empire it had also become customary for private citizens to honor the *genius* of the *princeps* in addition to the *genius* of a *paterfamilias*. Aper alludes to this practice and his emphasis on self-sufficiency comes out in the parallels between *orator* and *princeps*.

[29] Luce (1993a) 30 n. 63 classifies Aper's logic here as "obviously defective," referring to his previous mention of the donatives given to Crispus and Marcellus. I will respond to this problem in the discussion of the *exempla* below.

[30] Considerable attention has been paid to patronage and its vocabulary in recent decades. I have found most useful Saller (1982), esp. 7–22 (a discussion of lexical terms relevant to Aper's vocabulary); see also Badian (1958) 1–14, Brunt (1965), Moussy (1966), Hellegouarc'h (1972) 152–63, MacMullen (1974), White (1975) and (1978), the essays in Gold (1982), Brunt (1986), esp. 14–17 and 24–31, Wallace-Hadrill (1990), esp. 49–87, White (1993), *CAH*^{2} XI.817–54 (Saller), esp. 838–51, Roller (2001) 129–212.

Dialogus marvelously elucidates many aspects of the tension between aristocratic self-assertion and imperial control of the apportionment of favors and offices. Aper's use of *officium* picks up on his claim that poets abandon their obligations of assistance to their peers (*officia*, 9.6). It is further significant that Aper's use of *officium* to describe the orator's beneficence contrasts with his earlier rejection of the same term used in a different sense, *officii alicuius administratio* ("the management of some [imperially granted] office," 6.2). Aper's emphasis on aristocratic exchange networks is visible in related vocabulary such as favors for another (*beneficium*, 9.4) and the resulting network of dependents built on those favors (*clientela*, 9.4; cf. 3.4; *amicitia*, 9.4; cf. 5.2). Well in line with his insistence on the orator's autonomy within traditional social structures, Aper utilizes *gratia* as a term to indicate the power of the orator over those with great influence (6.3) as well as the orator's ability to extract himself from the restrictions of imperial favor (7.2).[31]

References to individual autonomy dominate Aper's logic. His discussion of *voluptas* begins by mentioning the *liber et ingenuus animus* (6.1); the second adjective refers to an innate hereditary characteristic, the first adjective to free birth.[32] Aper finishes the discussion of *voluptas* with a reference to "off-the-cuff brashness," *extemporalis audacia* (6.6). He does not immediately tie outspokenness to autonomy, instead reserving that association for the speech's conclusion, where he explicitly mentions the term *libertas* (10.8).[33] Aper contrasts carefully planned speech (discussed in 6.5) with the spontaneous kind: *sed extemporalis audaciae atque ipsius temeritatis vel praecipua iucunditas est; nam <in> ingenio quoque, sicut in agro, quamquam alia diu serantur atque elaborentur, gratiora tamen quae sua sponte nascuntur* ("But the pleasure of spontaneous speech and rashness itself is truly the greatest. You see in our ability just as in a field, although other things may be cultivated and elaborated for a long time, nevertheless those things are more pleasurable which arise of their own accord," 6.6). Extemporaneous oratory affords great pleasure, and Aper's second speech will discuss the significant role that this aspect of oratory played in the imperial legal system (19.5), especially at the centumviral courts,

[31] Maternus' second speech also reiterates the value of patronal relationships in the Late Republic, one of many areas in which his description of republican institutions and values overlaps significantly with Aper's depiction of the imperial present.

[32] Mayer (2001) 104–5.

[33] Aper caps the first and second speeches with the term (10.8 and 23.6). He twice employs *libertas* in a positive sense, though he still recognizes its dangers. Messalla speaks only of *licentia*, and Maternus seems to assimilate *libertas* to *licentia* in his closing speech. At 27.3 Maternus' encouragement of Messalla seems bold, but his closing speech sets the statement in a different light.

where someone like Cassius Severus could make a name for himself with extemporaneous oratory and quick-minded ripostes (19.1–2).[34] Aper contrasts the perilous consequences of Maternus' planned, historical tragedy. In choosing a dicey topic such as Cato, Maternus can offer neither social obligation nor extemporaneous speech as pretexts for the offense he gives:

> effervescit enim vis pulcherrimae naturae tuae, nec pro amico aliquo, sed, quod periculosius est, pro Catone offendis. nec excusatur offensa necessitudine officii aut fide advocationis aut fortuitae et subitae dictionis impetu: meditatus videris [aut] elegisse personam notabilem et cum auctoritate dicturam.
>
> The power of your splendid nature boils over and you don't offend on behalf of a friend but, what's more dangerous, on behalf of Cato. And your offense is not excused by the call of duty or legal obligation or the sudden onslaught of a chance and rash word; you seem to have purposely chosen a well-known character and one who will speak with authority. (10.6)

Accordingly, Maternus should "forego the excuse of peace and security": *tolle igitur quietis et securitatis excusationem* (10.7). Aper's employment of oratory, however, permits him both to offend and to account for his outspokenness: *nobis satis sit privatas et nostri saeculi controuersias tueri, in quibus* [*expressis*] *si quando necesse sit pro periclitante amico potentiorum aures offendere et probata sit fides et libertas excusata* ("Let it be sufficient for us to take interest in the private disputes of our day in which our loyalty is approved and our outspokenness excused, should it be necessary to offend the ears of the powerful on behalf of an associate in need," 10.8). *Potentiorum aures offendere* creates a link back to the preface's description of Maternus' poetry, which "had offended the sensibilities of the powerful," *offendisse potentium animos* (2.1). Aper's socially grounded eloquence permits him to make use of *libertas* with greater impunity, whereas Maternus cannot hope for such lenience. The substitution of the comparative (*potentiorum*) is of a piece with Aper's analysis of social status: oratory permits one to offend those who are *more* powerful, that is, to circumvent the strictures of power.[35] Moreover, the avenue to outspokenness (*libertas*) comes, true

[34] See also Plin. *Ep*. 1.20 to Tacitus, which discusses brevity (arguing against its overuse). There Pliny discusses the purposeful incorporation of "extemporaneous" moments into written speeches. The poet Statius similarly claims to write improvised poems, *hanc audaciam stili nostri* (*Silv*. 3 *praef*.). Goldberg (1999) discusses ideas about Cassius Severus' styles; Heldmann (1982) 163–98 his importance for rhetorical change; Rutledge (2001) 209–12 his *vita*. Sen. *Rhet*. 3 *praef*. 1–18 gives a lively portrait.

[35] Compare Pliny's concerns about managing offense of the powerful, including the *potentissimi civitatis* and *amici Caesaris* (*Ep*. 1.18.3), in his exhortation to Suetonius; similar concerns surround the prosecution of Caecilius Classicus (*Ep*. 3.9).

to Aper's character, in defense of an associate: *pro periclitante amico*. Thus, defending others not only holds practical advantages, but bears significant political ramifications as well: those who defend may also offend more freely, both in what they say and to whom they speak. Aper forcefully ties the employment of *eloquentia* to independence and to its verbal expression as *libertas*, "outspokenness." He delivers a taste of verbal liberty at 16.4, by interrupting Messalla and refusing to leave the modern age defenseless: *non enim . . . inauditum et indefensum saeculum nostrum patiar et hac vestra conspiratione damnari* ("I won't allow our age to be condemned, unheard and undefended, by your conspiracy"). The word *indefensum* in a judicial context, "without legal defense," makes its first appearance in Latin literature here.[36] The semantic innovation of the term nicely underscores Aper's championing of the principle.

Maternus' first speech (11.1–13.6)

Maternus' response to Aper recognizes the mitigating aspects of his speech, which praised poets and granted the writing of verse to those unskilled at the bar:

> parantem . . . me non minus diu accusare oratores quam Aper laudaverat (fore enim arbitrabar ut a laudatione eorum digressus detrectaret poetas atque carminum studium prosterneret) arte quadam mitigavit, concedendo iis qui causas agere non possent ut versus facerent.
>
> Aper appeased me with some artfulness as I was preparing to inveigh against orators as much as he had praised them (you see, I was thinking that he would, after passing from praise of the orators, attack the poets and lay low their zeal for song). He did this by allowing that those who cannot conduct cases should make verses. (11.1)

The acknowledgment also includes a rhetorical trick. He does not counter the general claim that those skilled at the bar should also be active there. Rather than explicitly challenge the argument, Maternus concedes the point, thereby drawing attention to the speech's argumentative workings.

[36] The use here is figurative, but continues the martial metaphors in the speech (discussed above and subsequently picked up by Maternus in his use of *prosterneret*, cited in the next section). It also belongs to the group of terms which liken the speeches in the work to actual court speeches. Goodyear (1981) 424 on *Annales* 2.77.3 discusses the term. Tacitus fondly reuses the phrase *inauditum et indefensum* in his historical works, e.g.: *inauditi atque indefensi tamquam innocentes perierant* (*Hist.* 1.6.1). Cf. also *Hist.* 2.10.2 and *Ann.* 2.77.3. In doublets of this kind it is common to pair a novelty (*indefensum*) with a familiar synonym (*inauditum*). (I am indebted to Chris Whitton for this last observation.)

Maternus expects Aper to proceed from praise of oratory to criticism of poetry, since the debate ostensibly treats the relative merits of oratory and poetry. Yet his expectations are frustrated by Aper's endorsement of the value of poetry as part of *eloquentia*. Aper will explicitly tout oratory's reliance on poetic language in his second speech, and Maternus notes Aper's positive remarks about poetry (11.1) in responding to his first speech. A slender yet significant distinction is drawn between poet and poetry: Aper criticizes the social shortcomings of those who write verses yet still recognizes the value of poetic *eloquentia*. There is a slight paradox in the choice to praise the fruits of the art even as he criticizes the motivations of the artist, but it does open up the possibility that the value of *eloquentia* may not coincide entirely with the moral or social merits of its producers. Aper in fact delivers a compelling justification of poetic *eloquentia*.[37]

Maternus' response also suggests a framework for reading the arguments of the *Dialogus*. The speeches share one commonality: in general they respond superficially to the arguments which have preceded them, never tendering a concerted counterclaim to the bulk of previous statements.[38] Rather, we end up with six compelling orations, each of which addresses different factors contributing to the formation of *eloquentia*. On the surface the speeches may touch on individual points yet none satisfactorily counters the claims of another speaker. Ostensibly rebutting a previous speaker in fact offers a point of contact between speeches which then becomes a point of departure for patently different considerations.[39] The style of argument in the first two speeches illuminates key features of the dialogue's argumentative dynamics. The remaining debates, like the first one, avoid logical progression based on thesis and antithesis and provide instead a synthetic assessment of *eloquentia*. Each speech adds to previous statements and provides subtle nuancing and reconsideration of certain points. The work's arguments in conjunction offer a well-rounded picture of *eloquentia*, including the complexities inherent in its production and evaluation.

[37] *Contra* Fantham (1996) 195: "Aper pretends respect for poetry, but his analogies show both his real attitude and his social values."

[38] Rightly noted by Williams (1978) 45: "There is one fact (not always noticed) to be stated firmly: no speech is refuted." It should be noted that the beginning of Maternus' second speech is lost, so we cannot know to what extent he may have responded to Messalla's arguments.

[39] Aper's formidable *anteoccupatio* of the central argument in Maternus' first speech ironically serves as the best counter to any of the work's claims – and it is not a response at all. Aper anticipates and refutes Maternus' recourse to safety and tranquility: *tolle igitur quietis et securitatis excusationem* (10.5). Despite the overwhelming evidence in favor of Aper's argument – the opening narrative makes clear how much both Secundus and Aper fear for Maternus' safety (3.2 and 3.4) – Maternus still bases his turn from oratory to poetry on the alleged safety and seclusion of poetic creation.

The close interplay of the first two speeches brings to the fore a more encompassing set of issues that resurface throughout the work. First, Maternus' "inner emigration" to the pleasurable recesses of poetic creation becomes an analogy for the *Dialogus*' own dramatic setting. Second, the first debate conflates the distinction that had given rise to discussion (oratory versus poetry), and thereby makes *eloquentia* the work's central theme. Third, Maternus' *exempla* fail, just as Aper's did. The consequences of this failure provide a general means of assessing *exempla* in the speeches.

Pleasurable seclusion

Maternus responds to Aper's discussion of *voluptas* by returning to Aper's mention of *nemora et lucos* ("glades and groves," 9.6). Aper had named this retreat a "desert," *solitudo*, a conception Maternus corrects by calling it a *secretum*, "refuge."

> nemora vero et luci et secretum ipsum, quod Aper increpabat, tantam mihi adferunt voluptatem ut inter praecipuos carminum fructus numerem quod non in strepitu nec sedente ante ostium litigatore nec inter sordes ac lacrimas reorum componuntur, sed secedit animus in loca pura atque innocentia fruiturque sedibus sacris. haec eloquentiae primordia, haec penetralia; hoc primum habitu cultuque commoda mortalibus in illa casta et nullis contacta vitiis pectora influxit: sic oracula loquebantur. nam lucrosae huius et sanguinantis eloquentiae usus recens et ex malis moribus natus atque, ut tu dicebas, Aper, in locum teli repertus. ceterum felix illud et, ut more nostro loquar, aureum saeculum, et oratorum et criminum inops, poetis et vatibus abundabat, qui bene facta canerent, non qui male admissa defenderent.
>
> But those glades and groves and that refuge which Aper was criticizing bring me so much pleasure that I count it among the greatest fruits of poems that they are not composed amidst a din, or with a client sitting before my door, or among the filth and tears of defendants, but rather my spirit withdraws into pristine and innocent realms and enjoys a sacred resting place. These are the origins of eloquence, these its inner recesses; in this raiment and appearance did eloquence win over mortals and flow into those chaste and unstained bosoms: in this manner the oracles used to speak. Indeed, the development of this gainful and bloody eloquence is recent and born of bad character and, as you were saying Aper, was discovered in lieu of a weapon. But that age was blessed and, to speak in the poet's manner, golden, and lacked both orators and crimes but abounded in poets and seers who would sing good deeds and not defend bad acts. (12.1–3)

Maternus modifies Aper's connection of *eloquentia* to expediency in the public realm. He proposes instead a secluded, private venue for the

production of *eloquentia*. His insular notion of the poetic craft supplements Aper's considerations, broaching the question of the sources of *eloquentia*. He associates poetic refuge with privileged access to the wellsprings of artistic language. Many scholars have assimilated Maternus' claims to the Romantic notion of poetic genius, operating in its isolated sphere of authentic creative vitality.[40] While such an association offers a tempting idealization of Tacitus' turn towards the writing of history, some scholars have also noted the complications that such a view of Maternus involves. The identification "Maternus-Tacitus" is hard to reconcile with Tacitus' own public career and with thoughts expressed in his other works; he in no way regarded the seclusion of the *vita contemplativa* as a sufficient response to the (albeit oft criticized) conditions informing the *vita activa*.[41]

Rather, Maternus' conception of private space suggests a "source" for *eloquentia* and connects this source to *voluptas*.[42] In distinction from Maternus, Aper's use of *voluptas* in his first speech has triggered its share of criticism, usually on account of Aper's allegedly self-serving stance; Aper does not name the pleasure that listeners derive from listening to good oratory.[43] Champion (1994) discusses the work's moral considerations and contrasts Aper's version of *voluptas* with Cicero's: "Cicero uses *voluptas* as a disgraceful form of pleasure in contrast with the *dignitas* of public service."[44] Yet the *Dialogus* never indicates that *voluptas* becomes a negative category by which to judge either the speakers or their age. In fact, the characters readily embrace the term as they interpret and fashion it to suit their own agendas. The word even passes the muster of Messalla's rigid moral bent.[45] As if to underscore the ethical value of *voluptas*, Aper had even used the phrase *voluptates honestas* (6.2), which clearly alerts the reader to Aper's moral intentions in his use of the term. If Tacitus does

[40] Häussler (1969), with overtones reminiscent of German Romanticism (or at least of *Faust*), sees the differences between Aper and Maternus through the opposition of *vergänglich* and *unvergänglich* (transient and lasting). Williams (1978) 44–5 paints Maternus as an exponent of "imaginative literature" (including history in this category) and sees him as a forerunner of Tacitus' desire to become a historian.

[41] Cf. Cic. *Off.* 1.69–70; Quint. *Inst.* 10.3.22 suggests it was a poetic cliché (cf. Goldberg [2009] 82 n. 22). Luce (1993a) 17 n. 20 notes: "Maternus' decision to abandon public life seems particularly at odds with Tacitus' praise for those who serve the state well, despite the dangers and difficulties." He cites *Ag.* 42.4 and *Ann.* 4.20.2; cf. Klingner (1965) 527.

[42] Additionally *fructus* ("fruit") fits nicely into the agricultural metaphors and similes that run throughout the work's speeches. Cf. 1.1, 6.6, 9.4, 11.3, 22.5, 29.1, 32.4, and 40.4.

[43] Mayer (2001) 104. However, Aper's second speech does address audience pleasure.

[44] Champion (1994) 159–60; 159 on morals: "More fundamentally (and obliquely), the *Dialogus* is about the change in morality from Republican times to Tacitus' day."

[45] *Voluptas* and related terms are discussed *passim* in the *Dialogus* (e.g. Aper at 6.1–6.6, Maternus at 12.1, Messalla at 14.3 and 30.5).

refer to Ciceronian values by introducing *voluptas*, the *Dialogus'* exposition of pleasure seems, rather, to reverse the Ciceronian understanding of the term and to accent its positive aspects.[46]

Voluptas serves an important purpose in the first debate, yet its role is literary and social rather than strictly moral. Its connection to Maternus' refuge, *secretum*, is not casual. The terms in conjunction come to describe the setting of the *Dialogus*, both with respect to its literary status and to the literal space in which it unfolds: *voluptas* indicates the pleasure the *Dialogus* affords its audience and "seclusion" subtly denotes the work's own staging.[47] Maternus employs a number of terms to describe his retreat from mundane affairs to the spheres of eloquence. With attention to etymological word play, he elicits a host of terms built from the prefix *se-*: *secretum* (12.1), *secedit* (12.1), *securum* (13.1), *secessum* (13.1).[48] Alliteration at 12.1 draws attention to the language: *sed secedit animus in loca pura atque innocentia fruiturque sedibus sacris*. Additionally, one of the catchwords that Maternus champions, *securitas* (11.4), connotes an idea of "removal from concerns (*curae*)."

The *Dialogus* subtly describes its own setting in terms similar to Maternus' seclusion. Messalla remarks upon his arrival: *num parum tempestivus . . . interveni secretum consilium*, depicting the scene he discovers. In the opening narrative Tacitus describes his interest in the private conversations of Aper and Secundus: *arcana semotae dictionis* (2.1), discussions and debates among a select few.[49] Tacitus similarly arranges the setting of the *Dialogus*: a small group of friends in an intimate setting – they never leave the confines of Maternus' *cubiculum* (3.1) – discuss a set of topics centered

[46] Dominik (1997b) 59 stresses the increased role of pleasure and entertainment as a feature of imperial oratory. That tendency accords well with the increased prominence of declamation as a public spectacle in the Empire. Cicero, however, also connected literary conversation with pleasure; cf. the following note.

[47] Crassus similarly extols the pleasant nature of private conversations at times of leisure (such as *de Oratore* itself); notable are the terms *iucundius*, *humanitas*, and *facetus sermo* (*de Orat*. 1.32).

[48] Mayer (2001) 47 notes the association of the prefix *se-* with Maternus. Additionally, Maternus describes himself as *remotum* (13.5), and Aper states that a poet must withdraw to the glades and groves (*in nemora et lucos . . . recendendum est* 9.6; Güngerich [1980] 37 reads *secedendum*). The word play may seem just that – verbal frivolity with no serious intentions. However, Tacitus and his speakers quite consciously employ language with attention to minutiae. Aper's speech at 9.3 and 9.6 had used synonymous doublets built upon the prefix *ex-* to describe the vanity of poetic activity: *unum librum excudit et elucubravit* (9.3), *aliquid elaborare et efficere* (9.6). Maternus responds in kind: *efficere aliquid et eniti . . . possum* (11.2). Cf. Plin. *Ep*. 1.3.4: *effingere aliquid et excudere*, related to *secessus* and *studia* at *Ep*. 1.3.3.

[49] Mayer (2001) 93 notes that the phrase "seems to refer to the *secretae exercitationes* referred to by Seneca the Elder, *Con*. 7 pr. 1 or by Cic. *De orat*. 1.157. These will have been practice speeches, perhaps declamations (*OLD dictio* 4), delivered not in public, but to a select circle." And, of course, a key term to denote a dialogue is *sermo*.

upon the question of *eloquentia*. The explicit reference to the work's portrayal of the age's greatest speakers locates the *Dialogus* in a literary heritage that it both employs (Cicero) and in which it would itself become a model (as Mucianus Felix's *Octavius* shows it did).[50] The work signals its literary function – analogous to Maternus' recesses – as an exemplary source for *eloquentia*.

Maternus responds to Aper

The reading offered thus far does not intend to suggest that Maternus fails to respond entirely to Aper's points. He refines Aper's claims by mentioning the longevity of fame and by providing an alternative model of self-sufficiency. Aper's first speech stresses the extent of the orator's fame, focusing on renown in Rome (*in Vrbe*, 7.3) and out of it (*in municipiis et coloniis*, 7.4). He contrasts the fleeting nature of poetic pleasure, *gaudium volucre* (9.4), which results in no lasting obligation: *neque mansurum in animo cuiusquam beneficium* (9.4).[51] Maternus responds in kind by noting the lasting fame of a poet and an orator: *ne nostris quidem temporibus Secundus Pomponius Afro Domitio vel dignitate vitae vel perpetuitate famae cesserit* ("Not even in our day is Pomponius Secundus worse off than Domitius Afer in the dignified status of his life or in the longevity of his fame," 13.3). Maternus does not necessarily counter Aper's view, but instead supplements the discussion by noting that both forms of *eloquentia* offer an avenue to lasting glory. When Maternus introduces the longevity of renown, he offers the name of an orator who made a lasting name for himself: Quintilian's teacher, Domitius Afer. Moreover, Aper's second speech will address the issue of fame (at both 18.1 and 23.6). The conclusion to his second speech clearly refers to the notoriety of speakers beyond the present moment: *verum de vobis dicturi sint posteri nostri* (23.6).

Maternus also complements Aper's picture of self-sufficiency with his own vision of autonomy as abstinence, claiming indifference to Aper's litany of mundane benefits:

> non me fremitus salutantium nec anhelans libertus excitet, nec incertus futuri testamentum pro pignore scribam, nec plus habeam quam quod possim cui velim relinquere, quandoque [enim] fatalis et meus dies veniet;

[50] Cf. Büchner (1954) and Carver (1974) for a discussion of the relationship between the *Dialogus* and the *Octavius*. Cicero's *de Natura Deorum* is, however, the main model, on which see Dyck (2003) for discussion and bibliography.

[51] On assisting friends and the benefits from it, cf. Cic. *Off*. 2.69; Ov. *Rem*. 1.151; Stat. *Silv*. 4.5.49–52; Plin. *Ep*. 4.15.4. On the moral failures of forsaking *amicitia* for *studia*, see Plin. *Ep*. 8.9.2.

> statuarque tumulo non maestus et atrox, sed hilaris et coronatus, et pro memoria mei nec consulat quisquam nec roget.
>
> Let not the roar of greeters and a panting freedman excite me, and let me not write my will as a guarantee, uncertain of what will come, nor possess more than what I can leave to whom I wish. Whenever my last day comes let me be placed upon a burial mound, not sad and glaring, but joyful and crowned and let no one debate or petition on behalf of my memory. (13.6)

Maternus' disregard for *negotium* implicitly rejects many of the values Aper had promoted, such as the hectic life of public business and the acquisition of wealth.[52] Most importantly, he envisages poetry as a means of acquiring fame and sets that vision against the sanctioning of *memoria* by the Senate. Scholars have seen here Socratic undertones in Maternus' intimation of his own death.[53] The orator's drearily busy public life was nearly a *topos*, but we may also catch a glimpse here of the darker side of Roman affairs. What message would the *libertus* be bringing, and to what extent might a member of the aristocracy rightly fear that his final wishes could be subverted by the emperor or one of his agents? The closing sentence also reprises the question of self-sufficiency that Aper had broached, but Maternus' thoughts also harbor a striking likeness to Aper's. Just as Aper's discussion of oratory represents its benefits as counterbalancing and testing the strict constraints of the political hierarchy, Maternus believes that his poetic fame supersedes sanction by the Senate. His abstemious relation to public bodies expresses his independence from them. He seems capable of foregoing their approval, relying on his poetry for the acquisition of *fama*. His main point turns on the idea that his eloquence obviates the need for accommodations that others require: approval by the Senate or inclusion of the emperor in a will in order to guarantee its execution. Like Aper, Maternus regards talent as the essential component of self-sufficiency and depends on it for the acquisition of renown. Thus, both figures defend a model of achievement that underscores their claims to independence, each offering a compelling vision of how to obtain that autonomy.[54]

[52] Throughout the speech Maternus indulges in Roman clichés about poets. Cf. Goldberg (2009) 82–3 (with further references). There are considerable similarities with Martial's rejection of oratory in a poem addressed to Quintilian (2.90).

[53] See Allison (1999) and Rutledge (2000). Cameron (1967) discusses the motif of the imminent death of an interlocutor in the dialogue genre, noting especially the Platonic and Ciceronian forerunners, among others. It should be remembered that we do not know with certainty when Maternus died or for what reasons. Kragelund (2012) is the most recent discussion.

[54] Just before this passage (13.4), Maternus criticizes Crispus and Marcellus along these lines, contrasting "free men" and "freedmen," *liberi* and *liberti*.

Refashioning *eloquentia*

Already in the preface Maternus describes *eloquentia* in expansive terms: *sanctiorem illam et augustiorem eloquentiam colam* ("to cultivate that holier and more august eloquence," 4.2). The religious associations are in both the adjectives and the verb (*colam*), making eloquence the object of his religious devotion, a connection that the first two speeches further at various points. Maternus supplements Aper's approval of poetic language by remarking on the sources of skilled speech, but without reference to a specific genre. Maternus' statement, *haec eloquentiae primordia, haec penetralia* ("These are the fundamental elements of eloquence, its inner places," 12.2), foregoes any distinction between poetic and forensic oratory and refers the reader to Aper's comments at 10.4:

> ego vero omnem eloquentiam omnesque eius partes sacras et venerabiles puto, nec solum coturnum vestrum aut heroici carminis sonum, sed lyricorum quoque iucunditatem et elegorum lascivias et iamborum amaritudinem et epigrammatum lusus et quamcumque aliam speciem eloquentia habeat anteponendam ceteris aliarum artium studiis credo.
>
> I truly regard all eloquence and all of its parts as sacred and venerable, not only your buskin or the sound of heroic song, but even the pleasure of lyric, the playfulness of elegy, the bitterness of iambic, and the play of epigram. I think that whatever form eloquence takes, it should be preferred to the study of the other arts.

Aper explicitly approves of all forms of *eloquentia*, including poetic language. He also defines *eloquentia* as an *ars* ("art," "field of specialized knowledge"), using a vague yet significant technical term for a specific area of study such as law, medicine, or rhetoric. Aper defines that *ars*, however, not as *rhetorica*, the traditional term, but as *eloquentia* and indicates that it is a transgeneric phenomenon with different subforms (*species*). This maximalistic definition complicates the correlation of the practitioner with genre.[55]

Aper also casts the use of language in religious terms, *venerabiles et sacras*, an idea that may initially seem to be little more than the casual endowment of language with a religious aura.[56] Yet Maternus will further this programmatic definition. The *sedes sacrae* (12.1) and *penetralia* (12.2)

[55] Santini (1969). Cf. Quintilian: "all (kinds of) eloquence has something in common" (*habet tamen omnis eloquentia aliquid commune*, *Inst*. 10.2.22); Plin. *Ep*. 6.21.4.

[56] Cf. 8.2, 11.2 and 13.5 on the idea of *sacra eloquentia*; Pliny similarly states: "Most devoutly do I honor the very art of poetry" (*poeticen ipsam religiosissime veneror*, *Ep*. 3.15.2).

of eloquence lead to a mention of oracular poetry: *sic oracula loquebantur* (12.2). Maternus reverses Aper's slighting mention of the religiously inspired *vates* (9.2) and sets the stage for Apollo as an *exemplum* of simultaneously religious and poetic cast: *inter quos neminem causidicum sed Orphea et Linum ac, si introspicere altius velis, ipsum Apollinem accepimus* ("And we hear that among these men existed no hack pleader but Orpheus and Linus and, if you're willing to look a little further, Apollo himself," 12.4).[57]

Aper will continue the religious associations of poetry in his second speech, likening the language of Horace, Vergil, and Lucan to a *sacrarium* (20.5), suggesting a religiously colored "imitative storehouse" for the creation of eloquence. The leitmotif recurs in Aper's comparison of orations to *templa* adorned with language (20.6). The religious associations of poetic language in the first two speeches dovetail with Aper's programmatic claims in the third speech. There he explicitly promotes the adoption of a poetically flavored prose style. Readers of Silver Latin prose need no reminder of the frequency of the practice, readers of Tacitus much less so.[58] However marked the disagreement in the first debate over what kind of *eloquentia* to practice, the *Dialogus* emphasizes the commonalities of poetry and oratory when viewed in terms of language.

Maternus' preference for poetry over oratory focuses on the latter's negative effects in the world: he divides the bloody historical era from the fortunate mythic past (*lucrosae huius et sanguinantis eloquentiae usus recens et ex malis moribus natus*, 12.2, quoted above). Maternus criticizes oratory of the Republic no less than its contemporary forms;[59] he hopes to return to a lost Golden Age by taking refuge in poetry, but his language ironically indicates that such a goal may not be feasible. The statement *sic oracula loquebantur* (12.2) points out that the oracular past customarily used verse (the imperfect, *loquebantur*, drives home the point). Present-day oracles, however, announce their *responsa* in prose,[60] undermining his claim for the privileged status of poetry and the exclusive association of poetry with religious sanctity. It also makes the generic distinction of prose from poetry more complicated than Maternus would seem to suggest.

[57] Luce (1993a) has rightly noted the oddity of mentioning *Orpheus* and *Linus*, given their grim end. These figures and Apollo will be discussed below in the section on *exempla*.

[58] Costa (1969) 31 notes the similarities between Aper's aesthetic claims and Tacitus' style; cf. Mellor (1993) 18; Murphy (1991) 2295; Dominik (1997b) and (2007). The first speeches invalidate the distinction between prose and poetry, which Aper's subsequent speech, discussed in Chapter 4, explains as a shift in prose standards. See now the illuminating study, Joseph (2012).

[59] *Huius* contrasts with *illud* of the Golden Age. Mayer (2001) 125: "Maternus thus repudiates the *whole* of Roman forensic oratory (not just that of his own day)."

[60] See Fontenrose (1978) 213–24.

Similarly, Maternus' poetic activities conflict with his espoused retreat from the mundane.[61] He may have offended the powerful and cannot abstract his poetry from its social environment. Indeed he proudly touts poetry's reach into the world by citing his successful attack on Vatinius, the *scurra* associated with Nero (11.2, discussed below). For all the opposition to Aper's world and its values, Maternus likens the orator and the poet in terms of the effectiveness of *eloquentia* in the public realm.

Even his recourse to the term *vates* cannot elude specific historical references. While the term (as Maternus seems to use it) names a literary prehistory of divine poetic inspiration, more immediately it takes the reader of Roman literature back to the poets of the Augustan age, who endowed the once unfavorable word with programmatic force. As much as Maternus wishes to evade the historical circumstances of cultural production, his references seem to preclude that step. The secluded refuge that he imagines for his own poetry maintains close ties to the literary and poetic tradition.[62] And Maternus' *exempla*, like Aper's, are rife with meaningful contradiction.

Exemplary failures

Maternus' *exempla* have garnered less attention than Aper's choice of two notorious *delatores*, Vibius Crispus and Eprius Marcellus. One possible reaction to them can be found in Maternus' speech, and in many ways criticism of Aper by modern readers essentially repeats that first issued by Maternus:

> nam Crispus iste et Marcellus, ad quorum exempla me vocas, quid habent in hac sua fortuna concupiscendum? quod timent, an quod timentur? quod, cum cotidie aliquid rogentur, ii quibus praestant indignantur? quod adligati omni adulatione nec imperantibus umquam satis servi videntur nec nobis satis liberi? quae haec summa eorum potentia est? tantum posse liberti solent.
>
> Indeed that Crispus and Marcellus of yours, whose examples you bid me to follow, what's desirable in their situation: the fact that they're afraid or that they're feared? Or that, because something is asked from them every day, those who receive something resent them. Or that they're bound by all sorts of obsequiousness and never seem sufficiently servile to rulers or sufficiently free to us? What's their immense power? Freedman are capable of as much. (13.4)

[61] For an analysis of Maternus' contradictions and bibliography on the topic, see Luce (1993a) 22–5; Bartsch (1994) 101–4, 119, and *passim*; Winterbottom (2001); Levene (2004) 168.

[62] Levene (2004) 166: "By pointing to Virgil explicitly and then backing the reference up with a dense web of implicit allusion, Maternus is giving a clear demonstration of the extent to which literature is permeated and governed by its own traditions."

Aper's *exempla* instill fear but are themselves afraid, raise the envy of their dependents, and their power and self-sufficiency come with numerous complications. On the surface the criticisms indicate failures in Aper's models and, by extension, many have argued, in his values.[63] However, in looking more closely at the relationship of the evidence cited in the first two speeches to the surrounding arguments, the following discussion will examine if these failures can be read as intentional features of the dialogue's design.[64] Indeed the interlocutors, as noted at the beginning of this chapter, pointedly draw attention to the applicability of arguments to different individuals, and by the same token we may ask if inapposite *exempla* necessarily annul an argument wholesale or could they just as well add nuance to the absolute nature of the surrounding claims?

Maternus provides a litany of literary and oratorical models to support his claims (12.4–13.5). The figures range from the mythic to the contemporary, occurring in four groups:

1 Vergil alone, the central model in the catalogue of *exempla* (13.1–2; 13.5)
2 Pomponius Secundus and Domitius Afer (13.3)
3 A response to Aper's *exempla*, the *delatores* Vibius Crispus and Eprius Marcellus (13.4)
4 A large group spanning the mythical past to the Augustan age, which may be subdivided into three sets:
   a Orpheus, Linus, Apollo (12.4);
   b Homer, Demosthenes, Euripides, Sophocles, Lysias, Hyperides (12.5);
   c Cicero, Vergil, Asinius, Messalla, Ovid, Varius (12.6).

Maternus describes his poetic activity as a refuge from the quotidian worries which tax the orator and cites the moral innocence of the Golden Age (12.3). His models include mythical poets and Apollo: *inter quos neminem causidicum sed Orphea et Linum ac, si introspicere altius velis, ipsum Apollinem accepimus* ("And we hear that among these men existed no hack pleader but Orpheus and Linus and, if you're willing to look a little further back, Apollo himself," 12.4). Maternus invites his audience to scrutinize the examples he provides; (*introspicere altius*) suggests examining the evidence

[63] The seminal discussion of *delatores* in this period is Winterbottom (1964), which partly builds on ideas in Syme (1958) 331–3. Against this (still) dominant way of reading, see Goldberg (1999), who builds on Champion (1994). Goldberg offers a persuasive rebuttal to the frequent disparagement of Aper's character and lucid discussion of Crispus and Marcellus. Rutledge (2001) and Rivière (2002) for broader overview. Reinhardt and Winterbottom (2006) xxxiv–xxxvii revisit the issue, but the current analysis differs considerably from their way of reading the *Dialogus*. Luce (1993a) 36 notes that Crispus and Marcellus fit into Aper's argument by demonstrating social mobility through oratory.

[64] For the general idea, see Chapter 2's analysis of Tacitus' "intratextual contradiction" of Messalla.

thoroughly.[65] The poetic models he cites starkly conflict with his view of poetry's innocence. Orpheus and Linus offer a bleak picture for poetic success when one considers their eventual fates: Orpheus was ripped apart by raging Thracian maenads because of his devotion to Apollo in lieu of Dionysus, and one tradition holds that Apollo killed Linus for thinking himself as good a singer as the god.[66]

Maternus' historical models, Varius and Ovid, likewise undercut his arguments. Varius, who performed his *Thyestes* at Augustus' triumph in 29 BCE, received a million sesterces from Augustus. Like Vergil, Varius enjoyed the emperor's favor (and additionally his patronage).[67] Maternus claims financial independence, but his reference contradicts that same claim.[68] And Ovid is hardly the best choice for anyone claiming that poetry's superiority depends on innocence and exists in an age free of criminality (*criminum inops*, 12.3). Maternus glosses over Ovid's explicit mention of his transgressions and his poetic activity in exile.[69]

Aper's mention of Crispus and Marcellus may prove objectionable, but unlike Maternus, he also recognizes the limitations of his evidence when he notes the shortcomings of Crispus and Marcellus (in nobility, wealth, and character).[70] Judgment of the arguments on the integrity of the evidence cited would have to dismiss Maternus at least as much as Aper. This would, however, be a reckless way to connect argument and evidence in the dialogue, since exaggerations and errors occur throughout all the speeches (as will become further evident in Chapter 5). At the same time,

[65] *OLD introspicere* 3 "examine mentally, inspect, look into"; cf. *TLL* VII.2.85.50–9 [Hugenschmidt, 1956]. The adverb *altius* is temporal, indicating examination into the earliest evidence. Luce (1993a) 31 on Maternus' *exempla*.

[66] Paus. 9.29.6.

[67] I discuss below the relevance of Varius and Vergil for Maternus' attitude towards the principate.

[68] Maternus remarks: *nec incertus futuri testamentum pro pignore scribam, nec plus habeam quam quod cui velim relinquere* ("and let me not write my will as a guarantee, uncertain of what will come, nor possess more than what I can leave to whom I wish," 13.6).

[69] Ov. *Tr.* 2.207: *duo crimina, carmen et error*. See Thibault (1964) on the hotly debated nature of this *error*; Green (1982) has argued for complicity in a seditious plot; Goold (1983) believes it was complicity in the adulterous affairs of the younger Julia. Ovid technically suffered *relegatio* rather than the harsher *exilium*, retaining both property and civic rights. Ingleheart (2011) gives an overview of Ovid's exile, the writings it produced, and the subsequent reception.

[70] Aper's evidence is sound, Quintilian would remind us, not despite but because of its apparent inapplicability: "in fact for exhortation dissonant examples are particularly powerful" (*ad exhortationem vero praecipue valent inparia* [sc. *exempla*], *Inst.* 5.11.10); nor did everyone think character the sole precursor to great eloquence: Seneca the Elder praises Labienus as a remarkable speaker (*magnus orator*, *magna eloquentia*) despite his considerable poverty, infamy, and being disliked (*summa egestas erat, summa infamia, summum odium*, Sen. *Con.* 10 *praef.* 4). The "moralizing" strain of oratory was not the only means of assessment. It bears repeating that Aper does not categorically endorse the two men; cf. Rutledge (2012) 71. Nevertheless, ample evidence in the *Histories* and *Annals* demonstrates Tacitus' (later?) interest in judging public speakers in moral terms.

these systematic inconsistencies are hard to account for as merely accidental or simply as a result of rhetorical license. The consistency of contradiction seems to point rather to an intended technique, insofar as the apparent contradictions do not negate a stated position entirely but rather serve a positive function, to amend or nuance the claims of a speaker. When *exempla*, upon closer examination, conflict with the surface message, they indicate that more is at stake in a given position than is initially apparent. This general tendency in the speeches is a form of "corrective exemplarity," in which the *exempla* offered in a speech implicitly require the reader to modify or correct the speakers' arguments on the basis of the evidence provided.

Aper's account of Roman aristocratic values would be difficult for any Roman to dismiss entirely.[71] However, Tacitus can introduce Crispus and Marcellus to point up the questionable employment of oratory. Maternus, as Sander Goldberg has noted, "speaks as if his choice lies between becoming a poet and becoming a delator. This is a false division." That Maternus so doggedly argues the extremes also reminds us of the middle ground: Aper's difference from other *delatores*, his practice of oratory to defend and assist others, saves him from the criticism aimed at Crispus and Marcellus. We cannot, as Syme did, dismiss him as little more than "a purified and sympathetic Regulus."[72] Aper is undoubtedly captivated by his own power and prestige, but he also notes the importance of moral rectitude, saying that orators are admired not only by those busy in the world of affairs but also by young men *quibus modo recta est indoles et bona spes sui* ("provided they possess moral disposition and good prospects," 7.3).[73] His definition of the orator is sound in moral and social terms, yet Tacitus also uses Maternus' evaluation of Aper's *exempla* as a foil to Aper's claims. The contrast between precept and evidence does not detract from the general principles underlying the arguments, but rather supplements them and elaborates on the social intricacies inherent in the practice of *eloquentia*: its power may be wielded but should not be abused. As Quintilian pithily notes: "even someone who isn't an orator can threaten and denounce" (*et minari et deferre etiam non orator potest*, *Inst.* 4.1.22).

Maternus questions the applicability of the models that Aper cites without comprehensively refuting Aper's values *per se*. He shows instead how

[71] Again, cf. Champion (1994). [72] Goldberg (1999) 229; Syme (1958) 109.

[73] *OLD* 10a *rectus* on the moral coloring of the adjective here. The textual quibble (*et* versus *est*) does not affect my argument. Aper's claim here about the moral character of the orator's admirers, who presumably will emulate the successful orator, has typically been overlooked by those emphasizing the implicit faults in his subsequent naming of Crispus and Marcellus.

Crispus and Marcellus inadequately demonstrate Aper's principles and points us back to the moral problems inherent in the relationship between power and *eloquentia*. Unlike the equally laudable forms of *eloquentia* that Aper and Maternus promote, Crispus and Marcellus fail to achieve the same autonomy championed by Aper and Maternus – the acute focus on their social standing is not coincidental. Maternus' pointed *sententia* on these questionable figures notes that "freedmen are capable of as much" (*tantum posse liberti solent*, 13.4).[74] Their independence rests too greatly on imperial favor, a point which allows Maternus to equate their status with the controversial Roman freedman, whose social status lies between that of the slave and the full citizen. Freedmen were a gathering point for Roman anxieties about aristocratic status and power in the imperial world, as the *familia Caesaris* ("emperor's household") was increasingly essential to the management of state affairs. Wealthy freedmen (one thinks of the extravagant Trimalchio in Petronius' *Satyrica*) could rise to positions of considerable prominence, but Romans still maintained a distinction between the manumitted *liberti* and the freeborn *ingenui*, the concepts underlying Aper's earlier praise of the orator's *libero et ingenuo animo* (6.2, discussed above). Maternus' vocabulary implicitly responds to Aper's by pointing out that the *liberti*, or those otherwise dependent on the emperor, are not free enough for the interlocutors (and, by extension, the audience).[75] Maternus' closing remark pointedly draws the reader – as does much of Aper's first speech – to the effects of the employment of *eloquentia* on social standing. Here the *delatores*' abuse of *eloquentia* in the service of the emperor implies a diminution of status, thus undermining the ideal which Aper professes and, some have thought, which he embodies. But Maternus objects to these fringe *exempla* without refuting Aper's claims. When the reader assembles the entire picture of the arguments, the pursuit of power and individual autonomy through oratory remains a laudable goal, but Crispus and Marcellus fail to achieve it. The objection, in fact, confirms Aper's principles at a broader level.

The same complex interaction of argument and evidence underlies another fundamental issue of the first debate: the reliance on imperial *liberalitas*. When Aper mentions the donative given to Crispus and Marcellus (8.2), he paves the way for Maternus' meaningful objection to the *delatores*'

[74] On *liberti* see the recent study by Mouritsen (2011) along with Duff (1958) and Treggiari (1969).

[75] I assume that *nobis* in the phrase *nec nobis satis liberi* does not refer solely to Maternus and that by referring to the work's participants, the phrase suggests to the audience how it, in turn, should react, one of many moments in the dialogue that both reflects a given value and seeks to instill it in others. On the use of the "associative plural" compare Sinclair (1995) 53–6.

imperial dependency. Aper further mentions the donative given to the poet Saleius Bassus, thereby underscoring the poet's dependence on Vespasian. Aper goes on to say that it would be much better to depend upon one's own talent rather than imperial indulgence (9.5). The irregularity in Aper's evidence points to a complex yet consistent distinction in circumstances.[76] Bassus, Crispus, and Marcellus all depend on imperial *liberalitas*, reflecting a cultural development in which imperial *liberalitas* could threaten to supplant private patronage. In contrast Aper and Maternus carefully avoid imperial dependency. In criticizing Saleius Bassus, Aper fails to condemn Maternus' poetic tendencies *per se*. Even if Maternus cites a poet such as Varius, who was handsomely rewarded by Augustus, he nevertheless stresses his own disregard for the acquisition of wealth: *nec incertus futuri testamentum pro pignore scribam, nec plus habeam quam quod cui velim relinquere* (13.6, quoted above). Bassus, however, is not like Maternus, and Tacitus subtly makes this point through Aper's criticism. Crispus, Marcellus, and Bassus thus serve as foils to the vision of self-sufficiency that Aper and Maternus both develop. At a first read, these arguments and their proofs seem contradictory, but their full implications permit a careful distinction in circumstances. Maternus retains his independence from the emperor's generosity and Aper's criticism of Bassus does not apply to Maternus. Conversely, Maternus' criticism of Crispus and Marcellus attacks an aspect of their standing that does not rightly describe Aper. Aper's autonomy rests on a network of dependents he aids and defends, not on the benefits of delation in service to the emperor. The complex interaction of these details in the two speeches creates a specific picture of Aper as orator and Maternus as poet who differ from inferior colleagues lacking self-sufficiency.

The complex relationship between evidence and argument directs us to a larger question (what constitutes autonomy?), which subsumes the immediate point of contention (should one be a poet or an orator?). The process of evaluating the speeches requires the reader to remain alert to subsidiary questions that might arise along the way and to infer meanings or draw conclusions that go well beyond the immediate terms of debate. Throughout the first two speeches we are redirected to the larger problem of the relationship between a practitioner of *eloquentia* and his community, which is a long-standing topic in the rhetorical tradition over the moral requirements of rhetoric: must a good orator also be a good man, and beyond this, what constitutes that moral basis? Should we, as Aper claims,

[76] Luce (1993a) 30–1 n. 63: "The logic here is obviously defective, both because without the emperor neither orator [*sc*. Crispus and Marcellus] would have much standing, and because Vespasian is as unable to give Bassus his poetic talent as Marcellus and Crispus theirs in oratory."

heed the demands of social obligation, or, rather, take innocence and abstention as principles of justice, as Maternus believes? And beyond this is either motivation adequate or even fully realizable, especially given the historical changes ushered in by the principate? Both speakers struggle to connect speech with forms of power even as they assess the moral and social consequences of self-assertion in the imperial world.

These problems and the questions they lead to are not explicitly articulated as they would be in a more traditional treatise addressing the moral and epistemological foundations of rhetoric, such as Plato's *Gorgias*, Cicero's *de Oratore* at certain points, or Book 12 of Quintilian's *Institutio*. And even in the inherited debates strict morality did not always command the high ground. Quintilian may have urged the incompatibility of eloquence and vice: "banish that thought far from your mind, that eloquence, a most beautiful thing, can be mixed with vices of the mind" (*hoc certe procul eximatur animo, rem pulcherrimam eloquentiam cum vitiis mentis posse misceri*, 12.1.32), but others distinguished *ad hominem* dismissals from the subject matter itself: "it is a fault to criticize any field, science, or pursuit on account of the vices of its practitioners, like those who criticize rhetoric for the reproachable lifestyle of some orator" (*vitiosum est artem aut scientiam aut studium quodpiam vituperare propter eorum vitia, qui in eo studio sunt: veluti qui rhetoricam vituperant propter alicuius oratoris vituperandam vitam*).[77] Again, it must be emphasized that the *Dialogus* incorporates these considerations into the speeches without voicing them in a way that is immediately recognizable.

The present reading of the first debate has tried to demonstrate how the tendency to name winners and losers in the *Dialogus* requires readers to overlook both the compelling arguments of the losers as well as the untenable statements of the winners. To favor the position of one interlocutor over another obscures the significant commonalities among all the speeches – and not just in the first debate alone. The second debate, for example, opposes modern oratory to ancient oratory, but examines a range of inherited categories and attitudes which make such a discussion possible in the first place: periodization, development and decline, antiquarianism, canon formation, and the vocabulary and implicit values of criticism.[78]

[77] *Rhet. Her.* 2.44. Cf. Phld. *Rh.* 2.270 (Sudhaus); Pl. *Grg.* 457a.

[78] And, as will emerge in Chapter 5, reading across the speeches will show just how much common ground there is among seemingly disconnected parts of the work. The social and aesthetic developments detailed in Aper's two speeches, for example, overlap considerably with many details of Maternus' final speech on institutional developments in the principate.

"Pro-principate" and "anti-principate"[79]

The tendency to choose sides in the debates has brought with it generalizations about the interlocutors' worldviews, above all their attitudes towards the principate. Aper's allegedly pro-principate stance would seem to be the natural result of his mentioning *delatores*, and Maternus' offensive plays have been taken as a sign of anti-principate sentiment. The nature and intention of Maternus' dramas and their possible offense are among the main interpretive cruxes of the *Dialogus*, because Maternus justifies his poetic practices as a refuge from urban life and from modern delinquency in his first speech and praises Vespasian in his second.[80]

Scholars have stressed Maternus' anti-imperial slant in the first half of the *Dialogus* and consequently struggled to account for the seeming disconnect between Maternus as depicted at the opening of the work and the pro-Vespasian sentiment with which he concludes it. Some have laid responsibility for the apparent errors at Tacitus' door,[81] while others have attempted to account for it as a feature of the work's rhetorical design, such as Luce's (1993a) emphasis on the rhetorical cause of the work's inconsistencies, or Bartsch's (1994) reading of "doublespeak" in imperial culture. It will prove useful to looking closely at the evidence about Maternus and his poetry, as well as his own characterization of poetry in response to Aper. The "two Maternus" problem may result as much from modern interpretive assumptions as from the details provided in the text.[82] What will emerge in what follows is the image of Maternus

[79] The terms pro-principate and anti-principate refer to Kennedy (1992), who discusses (poetic) attitudes towards Augustus and ultimately dismantles the facile opposition. My use here of such labels comes with the caveat that the views of the interlocutors should not at all be reduced to these terms; their (implicit) use has done more to obscure the complexity of the *Dialogus* than to elucidate it.

[80] At 12.1 he speaks of the *nemora . . . et luci et secretum*, "glades and groves and refuge." The poet is said to retreat into pure and innocent realms, *secedit animus in loca pura atque innocentia* (12.1).

[81] Winterbottom (2001) 151 dubs this problem "early Maternus and late Maternus." I generally agree with his objections to the solutions offered in Luce (1993a) and Bartsch (1994) 98–125, but hesitate to ascribe apparent inconsistencies to conjecturally different stages of composition ("post-Domitianic insertion") or errors in Tacitus' presentation ("a dialogue whose coherence is seriously flawed"; both statements at Winterbottom [2001] 152).

[82] The analysis here is based less on assumptions about the necessity of Maternus' "unity of character" and more on paying close attention to the precise terms with which Tacitus characterizes Maternus and his poetry. I am not opposed to readings of Maternus as an imperial dissident *per se*, whether of the outright or covert kind, but a case also needs to be made for the possibility that Maternus pursued politically oriented poetry without necessarily subverting the imperial system. That case, at least, best accords with what the evidence *explicitly* indicates (even when at times the same evidence *implicitly* suggests otherwise). Furthermore, even if it were possible to solve the apparent dissonance between Maternus' attitudes towards Vespasian (or the principate) in his first and second speeches,

who, although incapable of understanding the effects his poetry has on his contemporaries, need not be considered as an opponent of Vespasian or of the principate.

One significant observation must be stated at the outset: no single *unambiguous* piece of evidence exists in the *Dialogus* which requires us to see Maternus as anti-principate or anti-Vespasian.[83] This does not mean that Maternus' plays were not "political," but that his political intentions, at least based on evidence in the *Dialogus*, can just as well be read as uncritical of the emperor. True enough, Maternus' possible offense is a major theme as well as the pretext for the interlocutors' gathering. However, as Chapter 1 discussed, it is not at all clear whom Maternus has offended or that he intended any offense. Maternus apparently was lost in his presentation of Cato without regard for himself (2.1).[84] Yet even that suggestion is presented from the perspective of the *potentes* – or of the *civitas* interpreting the reaction of the *potentes* – rather than from the narrator's perspective.[85] Indeed the most salient feature of Maternus' attitude at the outset of the dialogue is that he never clearly indicates what or whom he intends to criticize, or that criticism is even his aim.[86]

Maternus' plays might seem to shed more light on this question, but they too ultimately remain a cipher which it is difficult to decode. Maternus has completed a *Cato* and we hear of an impending *Thyestes* as well as an already produced *Medea* and *Domitius*. Despite the seemingly provocative titles, the message of these plays need not have been aimed at the *princeps*. Cato, the celebrated Stoic opponent of Julius Caesar and celebrant of

that solution cannot account for Maternus' self-contradictory description of his own poetic activities in the first speech or for the fact that Maternus' "historical" account of forensic circumstances in his second speech is wildly distorted (on which, see Chapter 5). Maternus – like Messalla in his second speech – does not come across as having a particularly clear grasp of the realities which surround him.

[83] As a point of terminology, I wish to make clear here that there was considerable latitude to criticize past emperors (such as Nero under the Flavians or Domitian under the adoptive principate); yet criticism of bad emperors in retrospect, no less than general and even quite heated statements against tyrants, are not the same thing as criticism of the imperial system as such. See above all Ramage (1989).

[84] Güngerich (1980) 10 and Mayer (2001) 93 take this to mean without concern for the consequences of his actions. Gallia (2009) associates the *potentes* with the *delatores* and not the emperor (I return to his assessment below).

[85] Note the use of *tamquam* plus the subjunctive, suggesting Tacitus' distance from those who were offended. Mayer (2001) 93: "gives a reason or cause a subjective colour, without suggesting that it is false." Aper's remark that Maternus has taken on an a stronger opponent (*adversarium superiorem*, 10.7) might seem to suggest the emperor, but it is then clarified by Aper as *potentiorum aures* (10.8), language which takes us back to the opening use of *potentium animos* (2.1), and thus to the same problem in identifying exactly who these *potentes* are.

[86] As Chapter 1 discussed, even his apparently outspoken affirmations to say "what he ought to" only reinforces the uncertainty about his plays (3.3).

the Republic had grown to be as much a symbol of personal freedom as nostalgic Republican dissidence.[87]

The most thorough discussion of the *Domitius*, Frank (1937), relates it to the one point at which Maternus' political intentions are clear, when he proudly recalls his use of *eloquentia* to bring down an opponent:

> ego autem sicut in causis agendis efficere aliquid et eniti fortasse possum, ita recitatione tragoediarum. et ingredi famam auspicatus sum, cum quidem im<perante> Nerone improbam et studiorum quoque sacra profanantem Vatini potentiam fregi.[88]
>
> Indeed, just as I am able perhaps to bring about and achieve something by pleading cases, so too have I begun to walk the path of fame by reciting tragedies, when namely, I broke the shameful power of Vatinius [over/in the (reign of)?] Nero, which was profaning even the rites of our studies. (11.2)

Maternus notes his breaking of Vatinius' power through the employment of *eloquentia*. Recent essays have emphasized different aspects of his dramas.[89] Andrew Gallia has argued that Maternus' plays were not directed at Vespasian, but at unspecified (if understood) *potentes*, that is, *delatores* such as Crispus and Marcellus. David Levene has argued for a reading which emphasizes Maternus' activities as a literary response to Vatinius'

[87] Gowing (2005) 113: 'while it is true that Cato had long been the poster boy for Republicanism and anti-imperial sentiment, by the Neronian period he had lost much of his bite as the incendiary *exemplum* he had once been"; and further: "Stoics embraced him as a model for how to escape tyranny, not to overthrow it." See further ibid. 117 (but also Syme [1958] 28); on the Stoic attitudes to the principate see Brunt (1975) 17: "there is no evidence that Stoics condemned any political system as such; for instance what they disapproved of in the tyrant was not his absolute power but his abuse of it." Cf. ibid. 18 on the careers of men like Seneca as well as Thrasea and Helvidius: "their principles did not lead these Stoics to condemn the Principate as such." In any case, and despite his having composed a *Cato*, it is nowhere suggested that Maternus is an adherent of Stoicism.

[88] Frank (1937) is excellent on the *Domitius*, although I do not share his assumptions about Maternus' general anti-principate sentiment in the other plays. For the sake of clarity, the text here follows Mayer (2001). Winterbottom's OCT prints *†in Nerone†* for *im<perante> Nerone*. I discuss below the other quite appealing option *in Neronem* (dependent on *potentiam*). The difference is whether Maternus wrote a play called *Nero*, a play in the reign of Nero, or broke Vatinius' power over Nero, all possibilities (somewhat clumsily) signaled in the translation. Cf. Frank (1937) and Kragelund (1987) for discussion of the issues, with Leigh (1997) 195 n. 68 on their interpretations of the Vatinius episode. Levene (2004) 169–71 and Gallia (2009) 190–2 offer different emendations of the text; Levene (2004) argues against placing a full stop after *ita recitatione tragoediarum*.

[89] Levene (2004) and Gallia (2009). Vatinius was a favorite of Nero, but little is known about him. For his career see *PIR*[1] v.208 with Rutledge 2001: 276–7. Tacitus damningly rates him "among the foulest monsters of [Nero's] court" (*inter foedissima eius aulae ostenta fuit*, *Ann*. 15.34). He was physically deformed, had a scurrilous wit, and through slander and accusation promoted his ambitions at the expense of others. We get little sense of his actual activities in the *Annals*. Cf. Juv. 5.46.

(unknown) literary offense.[90] Gesine Manuwald, following the longer-standing interpretation that Maternus brought down Vatinius in a speech, sees Maternus' activities as directed largely at the moral criticism of certain contemporaries.[91] Tenney Frank outlines how a republican *Domitius* could have been used to bring down an imperial Vatinius. The protagonist would have been L. Domitius (cos. 54 BCE), a bitter opponent of Caesar's creature, Vatinius, whom Cicero memorably mistreated in the *In Vatinium* (56 BCE). A *Domitius* would likely have heaped criticism on the later Vatinius by noting coincidences in the lives of the two Vatinii: deformed appearance, gladiatorial games, the designation *scurra*, low birth and youthful indiscretions, subsequent riches through obsequiousness; perhaps Maternus would have included liberal paraphrase of the original invectives against Vatinius by Domitius and Calvus.[92] Whatever the details of the *Domitius* and its connection to the modern Vatinius, there is no indication from Maternus that the breaking of Vatinius' power was itself conducted as part of an attack on the emperor as well.[93]

The two remaining plays, both based on Greek myth, are touched on again by Maternus in defending his choice to write poetry:

> plures hodie reperies qui Ciceronis gloriam quam qui Virgili detrectent: nec ullus Asini aut Messallae liber tam inlustris est quam Medea Ovidi aut Vari Thyestes. ac ne fortunam quidem vatum et illud felix contubernium

[90] Gallia (2009) astutely notes that *potentes* is unlikely to designate the *princeps*, but I am less persuaded that it can specify more than "the powerful" in general. Tacitus goes to remarkable lengths *not* to indicate who these powerful were when he had little reason to avoid naming names; why should he not explicitly mention Maternus' attacks on the likes of Crispus and Marcellus when he is happy to mention Messalla's defense of Regulus, Regulus' dispute with Helvidius Priscus, and Maternus' destruction of Vatinius? In addition Maternus' putative hostility to the *delatores* is quite at odds with his citation of Domitius Afer as an orator of a reputable lifestyle and worthy of renown (even if he may be outdone by Pomponius Secundus, 13.3); cf. Johnson (2012) 70–1. Maternus is critical and dismissive of Crispus and Marcellus, but gives no hint of further action against a class of speakers he considered unsavory. It is also worth noting that Vatinius comes in for criticism for abusing poetry, not for being a *delator* (regardless of what Vatinius did otherwise).

[91] Manuwald (2001) 16 concludes that Maternus' tragic writings were therefore also directed not at the emperor in support of Republicanism, but at morally deficient contemporaries.

[92] Full details at Frank (1937) 227. Syme (1958) 110 discusses the possible focus of a *Domitius*, suggesting the consul of 54 BCE, the staunch opponent of Julius Caesar, but preferring his son, the consul of 32 BCE (and father of Nero), who deserted Antonius for Octavian shortly before the battle of Actium.

[93] A tempting point of textual speculation presents itself as well: could we read *in Neronem* at 11.2, one manuscript variant, which would accord with Maternus' competition for imperial favor against Vatinius (Maternus broke Vatinius' hold over Nero)? The MS reading *in Neronem* is favored by Gudeman (1914), Frank (1937), Michel (1962b), and Bo (1974), and the content of the *Domitius* could explain the reference to Nero's power in this sentence. This explanation of the content of the *Domitius* would not preclude the variants *sub Nerone* or *imperante Nerone*. Kragelund (1987) thinks the *Domitius* and the *Nero* refer to the same play, but dates Maternus' attack to after the fall of Nero. I find a Neronian date most plausible, cf. Devreker (1986) 103.

> comparare timuerim cum inquieta et anxia oratorum vita. licet illos certamina et pericula sua ad consulatus evexerint, malo securum et quietum Vergili secessum, in quo tamen neque apud divum Augustum gratia caruit neque apud populum Romanum notitia. testes Augusti epistulae, testis ipse populus, qui auditis in theatro Vergili versibus surrexit universus et forte praesentem spectantemque Vergilium veneratus est sic quasi Augustum.
>
> Today you'll find more people who'd attack Cicero's fame than Vergil's, and no speech of Asinius or Messalla is as famous as Ovid's *Medea* or Varius' *Thyestes*. I also wouldn't hesitate to compare the status of bards and their happy brotherhood with the restless and uneasy life of orators, whose struggles and dangers may well bring them to consulships; I prefer the carefree and tranquil retreat of Vergil, who still lacked neither favor with the deified Augustus nor renown among the Roman people. The letters of Augustus are witnesses, the people themselves are witnesses: they rose up in unison upon hearing Vergil's verses in the theatre (he happened to be there watching) and honored Vergil just like Augustus. (12.6–13.2)

Maternus styles himself a *vates*, the seer-bard rehabilitated by the Augustan poets, and names a number of figures who celebrated Augustus. Varius (discussed above) received a massive donative for writing a play for the ceremony honoring Augustus' victories at a time when Augustus had finally consolidated power and was well on his way to unchallenged command of the Roman Empire. This later mention of the *Thyestes* sheds new light on Maternus' earlier claim to be writing a *Thyestes*, since it likens the writing of such a play not to criticism but rather to promotion of the *princeps*, even if such a play could also be used as part of anti-tyrannical propaganda.[94] Maternus does not give any sense of what his *Medea* contained (and the other interlocutors are not as concerned about the potential danger of his *Medea* or *Thyestes* as they are with his *Cato*), but one can certainly imagine how such a play might be thought to cast harsh light on the amorous peccadilloes of the imperial family, such as Nero's spurning of Octavia for Poppaea.[95]

Maternus explicitly aligns his poetry with imperial rule and, specifically, with an ideal built on the models of Augustan classicism. In naming Varius' *Thyestes* and Ovid's *Medea* we are perhaps most visibly pointed back to the Augustan poets by the conspicuous absence of any mention of the *Medea* and *Thyestes* which Seneca wrote.[96] And it is on the major figures of

[94] See Leigh (1997) on the *Thyestes* and its use to criticize tyranny generally and Antony in particular.
[95] Frank (1937) 229, although criticism of Nero under Vespasian might not be very controversial at all.
[96] But the pair figure in the canon of Quintilian (10.1.98), who also lauds Pomponius Secundus whom Maternus mentions as well. I noted above how Maternus overlooks Ovid's complicated, perhaps polemical, relationship to Augustus, and that omission will be addressed further below.

this period and their relationship to the emperor that Maternus so keenly focuses our attention. His mention of the people's acclamation of Vergil in the theater emphasizes not only Vergil's fame but also that Vergil was honored like Augustus, an association reinforced by the chiastic repetition of their names (*Augusti, Vergili, Vergilium, Augustum*). Far from criticizing the principate, Maternus likens the renown of the poet with the kind of recognition accorded the emperor. The patently religious language to describe the veneration of Augustus (*veneratus est*) and his deified status (*divus Augustus*) further illuminates Maternus' frequent recourse to religious imagery in the first speech. In this light, his reference to Apollo not only connects poetry to its divine patron, but to the god who was so central to Augustan ideology and to the poets who helped shape its public face.[97] In placing Vergil's poetic fame next to that of Augustus, Maternus offers a model of competition with imperial power that seeks to co-opt as much as challenge the validity of that power.[98] Maternus' pursuit of *augustior eloquentia* (4.2) draws on the adjective underlying Octavian's carefully planned adoption of the name Augustus. When the term appears a second time, Maternus is again emphasizing the role of the poet in celebrating regal power:

> nec ullis aut gloria maior aut augustior honor primum apud deos, quorum proferre responsa et interesse epulis ferebantur, deinde apud illos dis genitos sacrosque reges.
>
> Nor to anyone else [*sc.* was accorded] greater glory or holier honor, first among the gods, whose responses they were said to bring forth and whose tables they were said to share, and then among the famed heroes and sacred kings. (12.4)

The Horatian phrase *interesse epulis* (*Carm.* 4.8.29–30) lies behind Maternus' suggestion that poets once had close ties to the gods.[99] That poem promotes the poet's ability to ensure the fame of mythical and historical heroes through the poet's celebration of them.[100] Maternus delivers an

[97] See now Miller (2009). Güngerich (1980) 51–2 notes that ancient literature rarely portrays Apollo as a singer, presenting him typically as a patron of song: "Daß die Dichtkunst unter dem Schutz Apollons steht, ist bekannt . . . aber selten wird Apoll selbst als Dichter bezeichnet." Heilmann (1989) 388 n. 6 suggests a reference to Verg. *Ecl.* 4.55–7; *contra* Levene (2004) 166 n. 31: "in the absence of other verbal echoes it is less likely that the reader would see a specific Virgilian allusion here."

[98] Sailor (2008) explores Tacitus' writings as a form of competition with the authority of the *princeps*.

[99] See Michel (1962b) 48 on the similar use of mythical *exempla* in Maternus' speech and the *Ars Poetica*; Luce (1993a) 31 n. 64 on the similarities with Hor. *Ars* 391–407; Mayer (2001) 125–6 on the borrowing from Horace as well as *dis genitos* from Vergil (*Aen.* 6.131 and 9.642).

[100] Maternus' citation of the *dulces Musae* from Vergil's *Georgics* (2.475) aptly chooses an example which promotes poetry over other pursuits, including the orator's *insanum forum* (*G.* 2.502), a phrase

account of the poetic vocation in harmony with regal power and backs it up with a reference to Horace's similar ideal.[101]

Just as Aper crafts a traditional definition of an orator based on recognizable models, especially the interlocutors from Cicero's *de Oratore* and statements from Quintilian, so Maternus creates a vision of poetry based largely on prominent figures of Augustan classicism. This association is reflective of the tendency in the work to equate the power of *eloquentia* with political, especially imperial, power. Speculation about the specifics of Maternus' political engagement depends on speculation about the content of his plays; but only with the latter in hand can we begin seriously to investigate the former. As it stands, analyses are largely predicated on the assumption that Maternus ought to be politically engaged rather than on clear evidence of his intentions.[102] Regardless of speculation, the image of Maternus that does emerge in the arguments and examples of his first speech is that of a poet who promotes his own independence even as he celebrates the structures of imperial power which surround him.

To draw this conclusion is not to whitewash Maternus in order then to suggest a naïvely apolitical characterization of poetry – or oratory – in the *Dialogus*. However, insistence on Maternus' putative anti-principate stance, coupled with the equation of Aper's citation of *delatores* with pro-principate sentiment, has overshadowed Aper's challenges to the imperial dispensation. In addition to outlining his vision of an orator who competes with the power of the *princeps*, Aper is the only character who claims to understand how to offend those who are more powerful and the contexts in which to do so effectively. He mentions giving offense and exercising outspokenness in a way that is fruitful and excusable (10.8, quoted above). At the conclusion of his second speech he lauds the restrained outspokenness of his interlocutors: *libertatem temperatis* ("you employ measured freedom," 23.6). While Maternus encourages Messalla to use *libertas* (27.3), Aper is no

also used by Propertius (4.1.134, in conjunction with Apollo). Yet it should also be remembered that immediately following on Vergil's praise which concludes Book 2 is the memorable praise of Augustus which begins Book 3.

[101] One might object that *sacrosque reges* need not necessarily suggest the *princeps* and that Maternus can criticize Vespasian while still praising the kings of a mythical past. However, the view of Maternus as anti-principate rests in part on his composition of a *Thyestes* (mentioned along with his *Cato* at 3.3). An audience alert to the political implications of a *Thyestes* could just as easily understand the present passage as favoring imperial power.

[102] Thus Goldberg (2007) 578–9 emphasizes that study of Seneca's tragedies will likely benefit from the incipient move away from speculation about their ideological stances and towards the potential of his plays to explore larger issues; Schiesaro (2003) 6 suggests that we should: "focus on Thyestes as a reflection on power, creativity, perversion and desire which need not be explained in terms of a specific political background" (cited by Goldberg [2007] 578).

less the standard bearer for that value, and, not unlike Maternus in his last speech, Aper shrewdly recognizes the limitations of *libertas*, which even in its allegedly freer republican formulations always required restrained application so as not to devolve into mere recklessness (*licentia*).[103] While citation of the *delatores* may seem to align Aper with the principate, readers of Tacitus' day might in retrospect have seen a significant distinction between Crispus, who lived on to advise future emperors, and Marcellus, who became involved in a plot against Vespasian and was forced to take his own life.[104]

Nevertheless, the *Dialogus* goes to considerable lengths to outline the dangers of Maternus' tragic production even if it equally indicates that such an effect was unintended. This dissonance in intention and result indicates a larger problem in the interpretation of Maternus. He explicitly rejects the *Vrbs*, its forms of *eloquentia*, and its precarious politics. Yet in the end poetic *eloquentia* reconnects him to these same aspects of imperial life: a public *recitatio* that has supposedly offended the powerful and made him the talk of the town.[105] And, however much he dissociates the poetic *métier* from political aggression, his breaking of Vatinius' power underlines the public effectiveness of poetry in a manner that seems to contradict that very dissociation.

Maternus' unwitting implication in the social and political affairs of Rome is a powerful reminder that *eloquentia* cannot be abstracted from the realities of the world, despite intentions to the contrary. This may help to explain why Maternus throughout his first speech repeatedly fails to distinguish the models he cites from the contexts which made those models meaningful. Consider his quotation of Vergil: *Me vero . . . dulces Musae* (Verg. *G.* 2.475). The phrase is taken from one of Vergil's purplest patches praising rustic life (*G.* 2.458–540); yet its most notable feature is that Vergil there depicts an ideal world utterly irreconcilable with the realities facing Vergil's farmers elsewhere in the poem. The point is made perhaps most acutely in one of the phrases Maternus seems to borrow from a few lines earlier in the poem: Vergil mentions the farmer's *secura*

[103] Wirszubski (1950) 7–8.

[104] Syme (1958) 111 emphasizes that Eprius Marcellus didn't survive under Vespasian, whereas Vibius Crispus lived well into old age. His remarks on the pairing of Crispus and Marcellus, as well as significant differences between them, are astute. Cf. Goldberg (2009) 77–8 on the difficulty in defining any one style for the *delatores*. Quintilian generally gives a favorable assessment of Crispus. Cf. Juv. 4.81–3.

[105] One may instructively compare, as well, Horace's prominent engagement with the potential offense that his satires might provoke, as in *Satires* 2.1. There Horace shows a deliberate awareness of and concern for the ramifications of his writings.

quies (*G.* 2.467), which Maternus fashions into the *securum et quietum Vergili secessum* (13.1). The ideal, like that of the celebrated Vergilian farmer, conspicuously contrasts with the constant worries Juppiter has imposed on humankind: *curis acuens mortalia corda* (*G.* 1.123).[106] Maternus seems to literalize the poetic tradition he has read, a misreading which reveals less about the ideals of poetic life in imperial Rome than about the complexities and difficulties of Maternus' stance.[107] Indeed his glossing over of Ovid's own troubles under Augustus seems to indicate his failure to acknowledge the political dangers of writing poetry.

The contradictions in Maternus' conception of poetry can be read in a fashion similar to Aper's dubious models, Vibius Crispus and Eprius Marcellus. Maternus claims to work in a social vacuum, but produces tragedies that might offend the powerful. The mythic past that he so admires – Apollo, Linus, and Orpheus – retains many similarities to the historical present which he eschews. The inconsistencies in Maternus' position do not invalidate his arguments, but rather modify his claims in suggestive ways. The writing of poetry, while it may afford individual autonomy, cannot evade social circumstances, and his poetry begins to look not altogether unlike the oratory he wishes to keep at a distance. This reality sheds light on the first debate's conspicuous failure to distinguish poetry from prose as different aspects of *eloquentia*. Again Maternus' *exempla* are revealing: "no work of Asinius or Messalla is as famous as Ovid's *Medea* or Varius' *Thyestes*" (*nec ullus Asini aut Messallae liber tam inlustris est quam Medea Ovidi aut Vari Thyestes*, 12.6). The comparison of the orators Asinius and Messalla to the poets Ovid and Varius hides the fact that the former were successful as orators *and* poets.[108] Messalla wrote in various genres and was an important patron of poets; Pollio may have invented, or at the very least formalized, recitation of literary works (*recitationes*) like those of which Maternus is so fond.[109] However much Maternus wants to see poetry as a fundamentally distinct activity, his *exempla* of rhetorical success

[106] See Thomas (1988) I.247 on this phrase and I.244–5 on the conflict between reality and the ideal.

[107] In an equally contradictory manner, Maternus' frequent references to Horace introduce a poet visibly tied to the ruling order and who participated – even in a limited context – in Roman public life. Horace cherished the ideal of retreat to his Sabine farm, but his *recusatio* of public life is balanced by a keen understanding of his implication in it. Maternus seems to misunderstand the two-sided nature of Horace's self-presentation. Oliensis (1998) on Horace's multi-faceted self-presentation.

[108] Levene (2004) 168: "By introducing these figures here Tacitus appears to point to a major dimension that Maternus' analysis takes no account of: the genres are not as neatly divided as he wishes to suggest."

[109] Sen. *Con.* 4 *praef.* 2. On Asinius and the *recitatio*, see Dalzell (1955) and more generally Dupont (1997). Johnson (2012) 42–56 usefully details the evidence from Pliny.

are also famous poets, which reinforces repeated suggestions about the unity of *eloquentia*: it is potentially powerful, and potentially dangerous, in all its forms. Even the language Maternus uses to describe his turn away from oratory to poetry takes a metaphor from Cicero's rhetorical writings (*angustiae*) and uses a Ciceronian doublet to distinguish poetic from oratorical language (*sanctior et augustior*).[110] Aper, working from the opposite direction, explicitly promotes a transgeneric idea of *eloquentia* which seeks to incorporate poetry. While casting the first debate as an opposition between two genres, Tacitus subtly orchestrates a detailed *rapprochement* of the two fields in the course of the speeches. The public relevance of *eloquentia* and its similarities across genres expand the work's emphasis from a restricted discussion on the state of oratory to a consideration of artistic language more broadly conceived. This new definition of *eloquentia*, from the very beginning of the dialogue, is tied to the social and political forces which will take center stage as the work progresses.

[110] Discussed in Chapter 1: *angustiae* at e.g. *de Orat.* 3.126; Mayer (2001) 98 on the doublet.

CHAPTER 5

An aetiology of contemporary eloquentia

The previous chapter outlined how Tacitus, through two opposed speeches in the first debate, redirected the focus of the dialogue onto a multi-faceted definition of *eloquentia*. Despite the contrary points of view the first two speeches share considerable common ground. This community of thought emerges when we distinguish the form of a speech from the interpretation of its content. Although the speeches of the *Dialogus* are cast as debates, opposed stances on contested subjects – poetry versus oratory, modern versus ancient orators, the influence of education versus political climate – formal opposition need not entail a hermeneutic principle: rather than assess the arguments only in light of the speaker's stated position, readings can follow a more conciliatory direction.

Whereas the *Dialogus* initially sought to define and to justify competing conceptions of *eloquentia* in essentially social terms, the four subsequent speeches, which form the focus of this chapter, progressively supplement that initial picture, revising it with an eye to the aesthetic, pedagogical, and historical conditions of its generation. Each speech uniquely contributes to the terms of analysis as it refines preceding claims. This argumentative interplay provides an organic consistency to the text, while systematically developing various trains of thought. The present chapter will examine how these multiple perspectives on skilled language ultimately outline a coherent charter for modern *eloquentia*.

Aper's second speech (16.4–23.6)

The second debate initiates the explicit assessment of modern *eloquentia*. Aper champions contemporary oratorical practice and examines its aesthetic values, dividing his attention between three main considerations: 1) defining moderns and ancients (16.4–18.6); 2) developments in *eloquentia* (19.1–20.7); 3) a stylistic analysis of the merits and shortcomings of the premier orators of Cicero's day (21.1–23.4). While his speech – the longest

of the work – has been termed a "defence of modern eloquence," it has garnered sparse critical scrutiny.[1] The speech addresses three questions about *eloquentia*: what causes change, what is the nature of that change, and is it good?

Whereas Aper's first speech focuses on the continuity of the advocate's significance in the imperial system, his second speech emphasizes changes in oratory as a reaction to the expectations of audiences. Aper identifies Cassius Severus as the watershed figure who ushered in fundamental changes (19.1). Cassius becomes the protagonist in an evolutionary narrative (19.1–20.7) which posits stylistic innovation as a necessary reaction to modern circumstances:

> nam quatenus antiquorum admiratores hunc velut terminum antiquitatis constituere solent, qui <...> usque ad Cassium <...> quem reum faciunt, quem primum adfirmant flexisse ab illa vetere atque derecta dicendi via, non infirmitate ingenii nec inscitia litterarum transtulisse se ad aliud dicendi genus contendo, sed iudicio et intellectu. vidit namque, ut paulo ante dicebam, cum condicione temporum et diversitate aurium formam quoque ac speciem orationis esse mutandam. facile perferebat prior ille populus, ut imperitus et rudis, impeditissimarum orationum spatia, atque id ipsum laudabat, si dicendo quis diem eximeret.
>
> So you see the partisans of the ancients make him a kind of boundary for antiquity, which(?) . . . until Cassius . . . whom they charge, asserting that he first bent away from the established straight path of speaking; I maintain that he didn't move to this new style of speaking because of some sickness of his inborn nature or because of ignorance of literary culture, but with discriminating judgment. You see he saw, as I was just a moment ago saying, that the form and appearance of oratory must adapt along with the circumstances of a period and changes in taste. An earlier people, since it was inexperienced and unrefined, easily endured the lengthiness of thoroughly unhindered speeches and even offered praise if someone used up a whole day in speaking. (19.1–2)

Mention of *ingenium* and *iudicium* guides us back to Tacitus' opening statement: *aut de ingeniis nostris male existimandum <sit> si idem assequi non possumus aut de iudiciis si nolumus* ("Either we must think poorly of our talents if we cannot achieve the same, or of our judgments, if we are

[1] Defence: Mayer (2001) 138. D'Alton (1931) 340–3 summarizes Aper's views. Levene (2004) 172–9 examines literary history in Aper's second speech, arguing that he takes a fundamentally aesthetic view of literary development, though some hint of political and social influences "occasionally slips through" (179). Döpp (1986) discusses Aper's use of Ciceronian models, though from an essentially anti-Aper perspective. Dammer (2005) examines (mostly) 20.1, arguing that Aper recognizably exaggerates the faults of the *antiqui*.

unwilling," 1.2).[2] Aper connects Cassius to important evaluative categories named at the work's opening; juridical circumstances precipitate a stylistic response that resulted from *ingenium* and *iudicium*. More importantly, according to Tacitus' opening narrative *ingenium* and *iudicium* also lead to the acquisition of oratorical accomplishment (*idem assequi*). These fundamental categories also reinforce Aper's explanation of change: proper judgment and talent ought to result in rhetorical distinction. Insofar as the terms of his analysis remain unchallenged, Aper's argument suggests (and the preface supports the claim) that modern oratory merits equivalent praise for its *eloquentia*.[3]

Changes in legal institutions likewise elicit a response from those attuned to the expectations of an audience:

> at hercule pervulgatis iam omnibus, cum vix in corona quisquam adsistat quin elementis studiorum, etsi non instructus, at certe imbutus sit, novis et exquisitis eloquentiae itineribus opus est, per quae orator fastidium aurium effugiat, utique apud eos iudices, qui vi et potestate, non iure et legibus cognoscunt, nec accipiunt tempora, sed constituunt, nec exspectandum habent oratorem dum illi libeat de ipso negotio dicere, sed saepe ultro admonent atque alio transgredientem revocant et festinare se testantur.
>
> By Hercules these things are all hackneyed now, since you can hardly stand around the edge of the courtroom without becoming at least grounded in the rudiments of these fields of study – even if you may not become fully equipped in them; there's a need for new and select paths of eloquence. Through these an orator may escape annoyance of others' tastes, at least before those judges who decide by power and office rather than by law and statutes, who set the time rather than receive it, who don't wait for an orator to get to the point on his own, but often admonish him of their own accord and call him back from a tangent, saying that they're in a hurry. (19.5)

Spatial and temporal metaphors illuminate the changes that Aper details. The "lengthiness of thoroughly unhindered speeches" (*impeditissimarum orationum spatia*) permitted past advocates to pass an entire day at the bar. Aper similarly figures present day conditions, but underscores modified forensic circumstances. Judges, he says, now set the time (*tempora . . . constituunt*) and force the orator to hurry (*nec exspectandum habent oratorem*). New methods allow an orator to "escape" antagonizing a judge's

[2] The passage and its terms are discussed in Chapter 2.

[3] Messalla's response to this aspect of Aper's speech is discussed below. See Chapter 3 on the connection of talent (*ingenium*) and judgment (*iudicium*) to recognition (*laus*, *fama*, *gloria*). Chapter 7 discusses the terms in connection to literary criticism and imitation and also examines the precedents for Tacitus' narrative of Cassius Severus in Cicero's description of Demetrius of Phalerum in *Brutus*.

sensibilities: *per quae orator fastidium aurium effugiat*. The verb *effugio*, "escape by fleeing," pointedly highlights the modern orator's need for haste – a speaker must cover significant ground as quickly as possible.[4]

Aper's focus on the courts provides a narrative which is plausible enough; he begins to speak of the courts in general, but then includes a shift in emphasis, signaled by *utique apud eos iudices* ("at least among those judges . . ."), onto those judges who possessed great discretion in controlling the length of trials and the orator's scope for pleading. The reference here is to the procedure of *cognitio* (*vi et potestate . . . cognoscunt*), the process used for cases before provincial governors, which eventually became the norm in Rome as the juries and the *quaestiones* were eventually supplanted by a *iudex*.[5] Although the judge's command of procedure increasingly affected cases in the imperial era, for many larger trials there is every indication that orators still had considerable latitude, hence Aper's contrast of judicial power, *vi et potestate*, with long-established procedures, *iure et legibus*, typically with a panel of judges. What Aper points to here, in stark contrast to his first speech, is the effect that interventionist judges could have on the orator's command of the court proceedings. In his first speech, by contrast, he had spoken of the grand speeches before the criminal courts, the centumviral courts, and before the emperor and Senate (7.1). To downplay these larger venues serves his immediate point by emphasizing that an orator must be able to accommodate his oratory to the audience, but leaves out the venues which gave an advocate considerable scope for demonstrating his rhetorical abilities.

Aper may reveal to us how a specific development in judicial proceedings could come to influence perceptions of judicature as a whole. Maternus' second speech will focus on the *iudicia* as well, and the *Dialogus* (along with Quintilian and Pliny) is a significant source for understanding imperial advocacy and the orator's relationship to the courts.[6] Cassius Severus has

[4] Other interlocutors use similar metaphors, which are discussed below. Maternus spoke of *forensium causarum angustiae* (4.2). Messalla will mention *angusti et breves termini* (30.5), Maternus' the *cursus et spatia* (39.2). Cicero also uses spatial and liminal terms as a way to emphasize the limitless (i.e. universal) scope of the orator's knowledge. Tacitus supplements these metaphors while emphasizing the modern age's need for speed. Tacitus' world must be comprehensive like Cicero's, but also acutely aware of the impingements and refinements that have given new direction to oratory. Chapter 6 details how ideas about boundaries and definitions play a significant role in Greco-Roman rhetorical texts, especially *de Oratore*.

[5] Harries (2007) 9, 29–33 urges circumspection in modern use of the phrase *cognitio extra ordinem* (and *cognitio extraordinaria*). Cf. Harries (2013).

[6] Crook (1995) 179: "As to the new courts, there is more about them in the *Dialogus* than the jurists ever tell us." Plin. *Ep*. 6.2 indicates that an orator could and should still press for longer speeches despite the contemporary penchant to be succinct and plain-spoken. He also connects modern conditions to the better administration of justice in comparison with the past.

gone down in the annals of oratory for his quick and acerbic wit, but his published speeches hardly afforded him much of an afterlife. Sander Goldberg has seen this as a development in the literary possibilities of speeches in the imperial period: "The key point about Cassius Severus, then, is that with him oratory continued to be oratorical, but it ceased to be literary."[7] We may need to refine that claim on the basis of Aper's shifting perspective on the courts: the example of Cassius seems to demonstrate that only certain kinds of cases readily lend themselves to the memorialization of rhetorical genius in literature. Written record of less significant cases, "small beer" as J. A. Crook memorably termed them, might do very little for one's posthumous renown.[8] This chapter will revisit the courts of the Empire more closely in the discussion of Maternus' second speech, but for the present purposes it is worthwhile to note how Aper connects aesthetic change to institutional change, that is, to the revised expectations and practices of various agents in the judicial system. Aper begins to outline a parallel narrative to a narrative centered solely on "the principate," the large-scale historical explanation of oratorical change which has – for modern observers at least – tended to overshadow the work's equally valuable documentation of social history and judicial procedure in the Empire.

After justifying the changes in modern oratory, Aper elaborates their specific nature, continuing the metaphor he had introduced by *effugiat* and casting judicial process in terms of a footrace:

> praecurrit hoc tempore iudex dicentem et, nisi aut cursu argumentorum aut colore sententiarum aut nitore et cultu descriptionum invitatus et corruptus est, aversatur [dicentem].
>
> Nowadays a judge rushes ahead and opposes a pleader, unless he's been allured and enticed by either the brisk pace of the arguments, the embellishment of epigrams or the shine and splendor of the descriptions. (20.2)

Aper instances three elements: speed of delivery, the use of *sententiae*, and the "shine and splendor of the descriptions." The last two terms are similar to his later mention of the "ornamentation and beauty of speech," *laetitiam et pulchritudinem orationis* (20.3), which he also aligns with the use of *sententiae* and poetic language: *sive sensus aliquis arguta et brevi sententia effulsit, sive locus exquisito et poetico cultu enituit* ("either some conceit dazzles with a short and pungent epigram or a commonplace shines with refined, poetic decoration," 20.4). The reliance on poetry becomes

[7] Goldberg (1999) 233 notes that Cassius was a figure suited to the courts of his day, roundly praised by Seneca the Elder (*Con.* 3 *praef.* 3), but that Cassius' *eloquentia* did not lend itself to publication.
[8] Crook (1995) 125.

programmatic; modern oratory requires poetic adornment: *exigitur enim iam ab oratore etiam poeticus decor* ("you see now even poetic splendor is demanded of the orator," 20.5). Judge and audience alike place considerable expectations on the orator – in addition to the *iudex* Aper mentions the *corona* (literally "garland"), the circle of onlookers who would attend the numerous sessions of court held in public arenas such as the imperial *fora* or the *basilica Iulia*.

Quintilian also paid considerable attention to the expectations of judges, and comparison of Aper's statements to Quintilian's can shed light on the relevance of Aper's values. In Book 4 of the *Institutio Oratoria* Quintilian focuses on the *exordium* but details there the ways in which an orator must react to judges. Sometimes an orator has no opportunity for an extended introduction "when a judge is overburdened, when there is limited time, and when a greater authority makes us begin with matters of fact" (*cum iudex occupatus, cum angusta sunt tempora, cum maior potestas ab ipsa re cogit incipere*, 4.1.72). In such instances brevity (*brevitas*) is required, though Quintilian carefully notes that excessive brevity can result in obscure expression – a virtue pursued too eagerly becomes a vice (4.2.40–5). With the golden mean in tow, Quintilian urges being as brief as possible while saying all that is necessary.

At the same time the judge who demands no frills is an exception rather than the rule. An *exordium* will often be needed, which is why Quintilian devotes an entire section to the matter (4.1). Speakers will find venues which require them to ply all the wares of the trade:

> sed ipsum istud evitare summae artis; nam id sine dubio ab omnibus, et quidem optime, praeceptum est, verum aliquatenus temporum condicione mutatur, quia iam quibusdam in iudiciis, maximeque capitalibus aut apud centumviros, ipsi iudices exigunt sollicitas et accuratas actiones, contemnique se nisi in dicendo etiam diligentia appareat credunt, nec doceri tantum sed etiam delectari volunt.
>
> But to avoid this very thing (artistry) is a sign of consummate artistry, and that's undoubtedly what everyone teaches and rightly so, though its validity is altered somewhat by present circumstances, since now in certain cases, especially capital cases and in the centumviral courts, the judges demand painstakingly polished speeches and think themselves disregarded unless the orator's industry is evident; they want not only to be informed but even to be entertained. (Quint. *Inst.* 4.1.57)

The emphasis here on the criminal and centumviral courts indicates the extent to which a speaker must be prepared to use all the resources of the

rhetorical arsenal, even as a rare exception to Quintilian's repeated warnings against ostentatious display. *Accuratus* ("painstaking," "laborious") is an important descriptive term, both in Aper's definition of well-prepared speeches (*accurata oratio*, 6.5) and in Secundus' evaluation of Aper's first speech: *delectasset enim te et Apri nostri accuratissimus sermo* ("Aper's remarkably polished speech would have delighted you," 14.2). Aper likewise recommends *voluptas* as a means of ensuring attentiveness (20.6); pleasing the audience is a rhetorical value repeated throughout the *Dialogus*.[9]

Quintilian goes on to note that poetic embellishment will please an audience, but cautions against using it at the wrong time, such as at the beginning of a speech (*Inst.* 4.1.58). Further on in the proceedings such license will be permissible: "this freedom will be tolerated, especially when we've entered into (common)places whose natural richness doesn't allow the license of our vocabulary to stand out amidst the general splendor" (*haec libertas feretur, maximeque cum in locos fuerimus ingressi, quorum naturalis ubertas licentiam verbi notari circumfuso nitore non patitur*, 4.1.59).

Aper, like Quintilian, carefully promotes the employment of various techniques but also expects their restrained application:

> nam et te, Messalla, video laetissima quaeque antiquorum imitantem, et vos, Materne et Secunde, ita gravitati sensuum nitorem et cultum verborum miscetis, ea electio inventionis, is ordo rerum, ea quotiens causa poscit ubertas, ea quotiens permittitur brevitas, is compositionis decor, ea sententiarum planitas est, sic exprimitis affectus, sic libertatem temperatis, ut etiam si nostra iudicia malignitas et invidia tardaverit, verum de vobis dicturi sint posteri nostri.
>
> You see, Messalla, I observe both you imitating the most felicitous aspects of the ancients, and you two, Maternus and Secundus, mixing the brilliance of your conceits and the refinement of your diction with solemnity. You possess a discovery of material, an organization of details, fullness whenever the case demands it, conciseness wherever possible, seemliness of composition, and clarity of thought. You exhibit emotions and check your license such that even if captiousness and envy retard the judgments of our age, future generations will speak truly of you. (23.6)

[9] See the discussion in Chapters 3 and 4. Cf. also Quint. *Inst.* 4.2.119, which notes how a pleasing speech adds to its trustworthiness; at 4.2.121–2 Quintilian notes how declamation has made pleasing speeches virtually mandatory and he is not entirely happy that even capital trials should require entertainment; but even that moralist saw how practicality inevitably trumps judicial integrity. Quintilian claims that extemporaneous speaking (*extemporalis oratio*), even in limited amounts, adds to the orator's reputation for talent (*famam ingenii*, 4.1.54); Aper's first speech listed the pleasure produced (in the orator rather than in the audience, however) by extemporaneous daring (*extemporalis audaciae iucunditas*, 6.6), which Aper believes can enhance oratorical talent (*ingenium*).

These values demonstrate Aper's commitment to the judicious employment of rhetorical skill in conjunction with his commitment to a style that meets the requirements of the times. He notes the need for brevity *and* fullness, for adornment *and* orderly presentation, for emotional impact *and* restrained *libertas* ("outspokenness," "license").[10] However much Aper has been denigrated for toeing the "modernist" line, he also understands the need to draw on the rhetorical arsenal with due measure. Restraint and innovation, brilliance and gravity, embellishment and careful thought are the hallmarks of the true orator, and certainly not the modern – or ancient – hacks who overdraw from a small bag of rhetorical tricks. The concluding praise of his contemporaries and their oratory could be found just as easily in Quintilian or Pliny, or Cicero for that matter. If Aper does exhibit "modernist" tendencies, then he does so in a way that is traditionally Roman – seeking out the best innovations and applying them with regard for decorum and effect.

Philosophy and poetry

In addition to the need for brevity and adornment, Aper tells us that philosophical knowledge is expected and assumed in a way that it was not in Cicero's day. An orator of the past could go far with simple tricks: "if someone seemed to have gotten a whiff of philosophy and incorporated some commonplace from it into his speech, he was praised to the sky" (*si quis odoratus philosophiam videretur et ex ea locum aliquem orationi suae insereret, in caelum laudibus ferebatur*, 19.3). However, systematic education and training has since rendered such minimal knowledge inadequate and the orator must pursue new paths (19.4–5). This is, of course, an exaggeration of the shortcomings of the past. Even if *de Oratore* calls for the philosophical education of the orator, many speakers of Cicero's generation possessed considerable rhetorical and philosophical knowledge, and we can well imagine that a late-republican audience had a reasonable familiarity with rhetorical techniques.

Aper himself embodies a philosophically and rhetorically informed orator, including the requirement that one hide the knowledge of one's art while ably demonstrating possession of it. One example of that philosophical knowledge comes across in his contestation of the term *antiquus*

[10] I read the use of *libertas* as both aesthetic, "compositional freedom," and political, "outspokenness." Cf. Güngerich (1980) 105 for discussion. Levene (2004) 179 notes that "*libertatem temperatis* is of course an ambiguous phrase," but cf. Mayer (2001) 166. In the family of terms expressing "freedom," *libertas* is "license" with a pedigree, opposed to *licentia*, its reprobate cousin.

(16.4–17.6). He undermines the distinction of *antiquus* from *novus* via a lengthy digression on Cicero's great year (16.7). The arguments strike many as playful, even specious.[11] However, the mention of Cicero's *Hortensius* serves a broader purpose. At the immediate level, it offers an authoritative model in support of revised prose standards. Aper challenges the division of ancients (*antiqui*) from moderns (*novi*): *ne dividatis saeculum et antiquos ac veteres vocetis oratores quos eorundem hominum aures agnoscere ac velut coniungere et copulare potuerunt* ("Don't divide a generation and call those orators ancient and old whom the ears of the same men could hear and, as it were, connect and join together,"17.6). His argument seeks to pre-empt the sort of blind adulation for the *antiqui* (identified with Cicero's generation) that Messalla espouses. At a basic level, Aper uses Ciceronian precedent to undermine the exclusive authority of Cicero's age.

Behind this immediate purpose Aper likens modern circumstances to historical development in Cicero's age: *ad Ciceronem venio, cui eadem pugna cum aequalibus suis fuit, quae mihi vobiscum est* ("I've come to Cicero, who had the same battle with his contemporaries as I'm now having with you," 22.1). He justifies change by equating it with Cicero's similar call for innovation.[12] Explicit citation reinforces the claim. At 16.7 Aper names Cicero's *Hortensius* as the source for the "one great year."[13] Roland Mayer has insightfully suggested a possible connection between arguments in the *Hortensius* and Aper's objections to the term *antiquus*.[14] The *Hortensius* is a protreptic to the study of philosophy, and its staging of rhetorical

[11] Gudeman (1894 and 1914) exemplifies the latter view, Mayer (2001) the former, but Mayer sees the seriousness lurking behind the playful façade. On Aper's speciousness, cf. Barnes (1986) 237, Dammer (2005) 339. Döpp (1986) 20 terms Aper's manipulation of Cicero "rabulistisch." Döpp (1986) 18–19 discusses the interlocutors' tendency simultaneously to undermine and appropriate Cicero, but concludes that Aper misuses Ciceronian forerunners. However, Aper's allusions can also be viewed as a continuation of Ciceronian thought. See Chapters 6 and 7.

[12] Döpp (1986) 18 claims that Aper refers to Cicero's conflict with the Atticists. Chapter 7 explores this issue in greater depth.

[13] Grilli (1962) frs. 80 and 81.

[14] Mayer (2001) 140: "The context within the dialogue in which Cicero deployed the notion of the Great Year is uncertain. But at *Hort.* fr. 52 Grilli = 32 Müller an argument is put forward by Hortensius himself to show that *sapientia* is older than *philosophia*, which he calls *recens*, since it dates only from Thales. Now, he ought at some point (though there is no room in the context of the transmitted fragment) to have justified the odd claim that Thales, who lived five centuries before him, was 'recent'. Did Hortensius slyly insinuate the reckoning by the Great Year to support his unusual assertion? If that were so, Aper's reference to the eponymous dialogue would have more point. He is not just reminding his hearers that Cicero had happened to refer to that calculation in the work, but might even be employing a strategy similar to that of one of its interlocutors, and for a similar purpose, to weaken an opponent's position in advance." The cited passage of the *Hortensius* reads: *quando . . . philosophi esse coeperunt? Thales, ut opinor, primus. recens haec quidem aetas* ("When did philosophers begin to exist? Thales, I suppose, was the first. That age is indeed recent").

luminaries as interlocutors highlights Cicero's association of philosophy and *eloquentia*.

However, Tacitus employs a similar strategy in order to connect the development of *eloquentia* not to philosophy, as Cicero did, but to poetry. Aper actively promotes the incorporation of poetic language into oratory, and his allusion to the *Hortensius* suggests an analogy to the developmental scheme that Cicero had initially proposed. Cicero sought to use philosophy as an additional resource in the rhetorical arsenal, an idea which the *Dialogus* draws on in order to underscore comparable rhetorical developments. Beyond the orator's need for broad learning, Cicero emphasized a number of innovations, such as the reliance on humor and the use of prose rhythm.

Innovation and poetry[15]

Key vocabulary emphasizes the role of poetry. Aper remarks on Messalla Corvinus: *nolo Corvinum insequi, quia nec per ipsum stetit quo minus laetitiam nitoremque nostrorum temporum exprimeret; videmus enim quam iudicio eius vis aut animi aut ingenii suffecerit* ("I don't want to attack Corvinus, since it wasn't his fault that he couldn't express the ornamentation and splendor of our age; because we all know how much his confidence and creative energy made up for his judgment," 21.9). While slightly critical of Corvinus' *iudicium*,[16] the passage also lays a claim to "the brilliance and splendor of our times," such as brevity or poetic language.[17] Aper ascribes these characteristics to *nostra tempora*; they characterize modern rhetoric. This strategy forms a parallel between the Ciceronian introduction of philosophy into oratory and the stylistic changes of Aper's day, such as poetic adornment (*poeticus cultus*, 20.4). A commonality of change links the Ciceronian age to its modern counterpart. Each period, however, responds independently to its refashioning of *eloquentia*. Aper perceives

[15] This section only briefly surveys a handful of literary references directly related to explicit ideas about style. The *Dialogus* engages with a host of other texts in the Greco-Roman tradition, which Chapters 6 and 7 explore in greater detail. For a brief overview of "intertextuality" the reader is referred to the beginning of Chapter 6.

[16] *Ingenium* and *iudicium* are the values by which Aper measures past orators (the former often associated with *vis* or *vires*, the latter with *aures* or *voluntas*). Aper sees Calvus, for example, in the same terms as Corvinus, though Calvus' faults are the opposite of Corvinus': *ut scias ipsum quoque Calvum intellexisse quid melius esset, nec voluntatem ei, quo <minus> sublimius et cultius diceret, sed ingenium ac vires defuisse* (21.2). Mayer (2001) 94 lucidly discusses the triad *ingenium*, *industria*, and *ars*.

[17] These comments help explain Secundus' judgment of Maternus' first speech, a *laeta . . . oratio*, spoken *utque poetas . . . decebat* (14.2) – yet another example of the phenomenon (see Chapters 2 and 3) by which categories and values explored within the speeches are echoed or confirmed in the interstitial passages.

modern innovation as building on and logically furthering Ciceronian precedent: the present repeats the past, but on its own terms.

The extent to which Tacitus shared Aper's modernism depends on the extent to which he confirms Aper's arguments on periodization. Put otherwise, the question remains whether the broader context of the *Dialogus* supports Aper's claims, or if they merely entail a defense of modern oratory which Maternus and Messalla then reject. A partial answer may be found in the work's numerous allusions to poets. The imitation of Vergil and Horace, for example, supports Aper's claim that oratory has become increasingly reliant on poetic language.[18] Tacitus' insistent imitation of poetry – at precisely those moments where poetry's potential contributions are at stake – demonstrates the extent to which it entails a fundamental resource for Tacitus, his role models, and (at least implicitly) for his contemporaries.

A more concrete demonstration arises in a well-crafted set of allusions to Cicero and Quintilian within Aper's arguments for the value of poetry. The discussion is split across Aper's second speech, beginning with an architectural analogy for the orator's equipment:

> ego autem oratorem, sicut locupletem ac lautum patrem familiae, non eo tantum volo tecto tegi quod imbrem ac ventum arceat sed etiam quod visum et oculos delectet, non ea solum instrui supellectile quae necessariis usibus sufficiat, sed sit in apparatu eius et aurum et gemmae, ut sumere in manus et aspicere saepius libeat.
>
> I however want an orator, like a well-off and elegant paterfamilias, to be covered by a roof which not only keeps out rain and wind but even delights the visual senses. Let him possess not only equipment sufficient for practical needs, let his stock include gold and jewels, so that it's pleasing to pick up and examine often. (22.4)

The house and furnishings of the Roman paterfamilias should not only meet basic needs, but should also possess the attractions of gold and gems, so that they can be taken up (like a book or speech worthy of repeated reading).[19] The domestic version has a public counterpart:

> quid enim si infirmiora horum temporum templa credas quia non rudi caemento et informibus tegulis exstruuntur sed marmore nitent et auro radiantur?

[18] On Vergil see Chapter 4, on Horace Chapter 7.

[19] For *in manus sumere* with *librum*, cf. Plin. *Ep*. 8.9.1, Fro. *Ep*. 4.1.1. Martial 5.11.3 uses *gemmae* to discuss poetry.

> Well then, do you suppose today's temples less stable because they are not built up with bare cement and tiles but shine with marble and beam with gold? (20.7)

Cicero's lengthier version of the analogy defended prose rhythm as a necessary innovation:

> columnae templa et porticus sustinent; tamen habent non plus utilitatis quam dignitatis. Capitoli fastigium illud et ceterarum aedium non venustas, sed necessitas ipsa fabricata est; nam, cum esset habita ratio, quem ad modum ex utraque tecti parte aqua delaberetur, utilitatem templi fastigi dignitas consecuta est, ut, etiam si in caelo Capitolium statueretur, ubi imber esse non posset, nullam sine fastigio dignitatem habiturum fuisse videatur.
>
> Columns and porticos hold up temples, yet they have no more use than grandeur. Not charm, but necessity itself devised the Capitol's well-known gable [i.e. of the temple of Juppiter Optimus Maximus] and those of other temples. You see once a way to get water to run off each side of the roof was figured out, the grandeur of the gable soon followed the usefulness of the temple, such that, even were the Capitol built in the sky, where rain cannot fall, it would seem to have no grandeur without the gable. (*de Orat.* 3.180)

Aper and Cicero base their justification of adornment on similar arguments: not only is necessity a main category for determining structure, but adornment itself becomes an inevitable feature of human creations.[20] It is one thing to keep off rain (*imber*), which is a usefully necessary function, but matters of decoration and pleasure (*dignitas*, *venustas*, *delectare*) must be considered. Aper takes for granted what Cicero still needed to argue: adornment is practically a necessity when convention already expects it. The main difference in the two accounts lies in the rhetorical device being defended: Cicero requires prose rhythm, while Aper wants poetry. A local referent reinforces the connection: the temple of Juppiter Optimus Maximus was known for its gilded ceiling and external tiles of gilded brass. Recently (from Tacitus' perspective, but unknown to Aper), Domitian had restored the temple, including the gilding.[21]

The connection between privileged speech and buildings was more commonly a poetic *topos* extending back at least as far as Pindar (*O.* 6.1–7), and perhaps most famously expressed at the beginning of the third book of Vergil's *Georgics* (3.4–12), in which Vergil promises a *templum* (presumably the *Aeneid*) honoring Augustus Caesar.[22] Aper's mention of *templa* refines a

[20] Three main terms are neatly paralleled: *necessitas* (Cicero), *necessarius* (Tacitus); *utilitas* (Cicero), *usus* (Tacitus); *venustas* (Cicero), *delectare* (Tacitus).

[21] See the rich note at Mayer (2001) 154.

[22] Not to overlook Horace's *exegi monumentum* (*Carm.* 3.30). Pi. *O.* 6 mentions gold columns (χρυσέας κίονας) and the necessity of adornment (χρὴ θέμεν).

series of metaphors about the sacred status of eloquence in its connection to poetry; poetic adornment should be brought from the *sacrarium* ("shrine") of Vergil, Horace, and Lucan (20.5, quoted above). His first speech emphasized the divine character and force (*numen et caelestis vis*, 8.2) of eloquence, including poetry: *ego vero omnem eloquentiam omnisque eius partis sacras et venerabilis puto* ("In fact I regard all eloquence and all of its parts as sacred and venerable," 10.4). Maternus advanced the image by appealing to its *sedes sacrae* and *penetralia* ("sacred seats" and "inner shrines" 12.1–2). Thus, the initial social definition of *eloquentia* in religious terms precedes but can be read in conjunction with its later aesthetic definition in similarly religious terms.[23]

Aper's justification of poetry can also be examined against Quintilian's plea to read poets in order to expand the rhetorical arsenal (10.1.27–30). The injunction "let no word be tarnished by rust" (*nullum sit verbum velut rubigine infectum*, 22.5) seems to pick up Quintilian's use of *robigo*, just as the mention of gold is critical to both discussions:

> nos vero armatos stare in acie et summis de rebus decernere et ad victoriam niti. neque ego arma squalere situ ac robigine velim, sed fulgorem in iis esse qui terreat, qualis est ferri, quo mens simul visusque praestringitur, non qualis auri argentique, inbellis et potius habenti periculosus
>
> But [*sc*. let us be mindful that] we stand armed for battle, striving to win in the greatest matters. I wouldn't want weapons filthy with decay and rust, but with brilliance that terrifies, like steel, which dazes the mind and sight, not like gold and silver, which is unwarlike and more dangerous to the possessor. (*Inst*. 10.1.29–30)

Comparison cannot overlook the crucial differences between the two. Quintilian's steers a middle path between the inefficacy of rust and the ostentatious display of gold. Aper's emphasis on gold, when read against Quintilian's on steel, seems undermined by the comparison.[24] Yet Tacitus has added a further layer to Aper's assertion by reference to a passage from Ovid:[25]

[23] *Pace* Mayer (2001) 153, who finds a transient inconsistency in Aper's acknowledgment of poetry's sacred status at this point. Chapter 4 discusses the role of religious language to characterize *eloquentia* in the first two speeches; cf. also *sacra* at 11.2 and 13.5.

[24] Seneca, on the *topos* of *luxuria* in the adornment of houses, remarks: "so that the walls gleam with marble conveyed across seas, the roofs are decorated with gold, and brilliance reflects onto the inlaid flooring." (*ut parietes advectis trans maria marmoribus fulgeant, ut tecta varientur auro, ut lacunaribus pavimentorum respondeat nitor*, *Ep*. 114.9). On the language of metals see Assfahl (1932) 116 with Hor. *Ep*. 2.2.118 and Sen. *Ep*. 58.5 on *situs*.

[25] Mayer (2001) 154 notes the similarities.

prome quod inicias umeris victoribus ostrum:
ipsa potest solitum nosse corona caput.
scuta sed et galeae gemmis radientur et auro
stentque super vinctos trunca tropaea viros.

Take out the purple to wrap victorious shoulders,
The wreath knows the accustomed brow.
But let shield and helmets beam with gems and gold
And hewed trophies rest above the defeated men.
(Ov. *Pont.* 3.4.101–4)

Ovid's epistle to Rufinus forecasts Tiberius' (second) triumph over the German tribes. Far from suggesting that adornment with gold is *imbellis*, Tacitus has sent us back to an imagined scene of triumph, not the metaphorical battle which Quintilian ascribes to oratory, but an actual war over one of Rome's most obstinate enemies. Tacitus has managed to dig up what was perhaps the sole passage of Latin poetry which could both contradict and confirm Quintilian's arguments at a single stroke.[26] Playful one-upmanship honors Quintilian as it places Tacitus confidently among his ranks as an expert on rhetorical adornment.

There is, however, a larger issue in the intertextual dynamic and its relationship to argument; in this case reference, rather than logic, allows us to arbitrate the competing claims. Tacitus orchestrates this passage so as to demonstrate the point: poetic allusion guarantees the precept. Tacitus may not explicitly direct us to see Aper's claim as true, but he intervenes to make Aper's assertion felicitous. The reverse perspective is no less revealing, for in this case the arguments of the speaker demonstrate and comment on the artistry of the author. In the course of the speech Tacitus guides us along to this conclusion: "a commonplace shone forth with choice poetic adornment" (*locus exquisito et poetico cultu enituit*, 20.4). Fittingly, the architectural *topos* is common to intensely self-reflexive moments in rhetorical and poetic texts.

Aper's speech as a preamble to the later speeches

The alterations to modern style are said to have a number of different factors: the general dissemination of philosophical and rhetorical knowledge, once itself an innovation, now requires even further changes. At the same

[26] See the discussion of intertextuality in Chapter 6 and Tacitus' reliance on what Thomas (1986) 188 calls "window reference," the correction of a later predecessor by simultaneous allusion to an earlier one.

time the arbitrary management and brisk pace of contemporary law courts requires the orator to adjust accordingly: speed, wit, and variety will also be necessary in the many smaller venues which the orator could face. Not coincidentally, these underlying causes and the changes to style will figure prominently in the subsequent speeches of Messalla and Maternus: the pitfalls in modern style, philosophically based education and the need for realistic training (Messalla), and the scope and venues for *eloquentia* (Maternus). Aper not only details the causes for change and the nature of that change, he also lays the groundwork for the final debate.

These connections are important in evaluating the *Dialogus*' progression. Except for discussion of the courts, Aper does not expend significant effort in assessing the nature and significance of these causes, leaving those discussions to Messalla and Maternus. Aper does not entirely neglect the catalysts of innovation, but within the work, he focuses on stylistic reactions to changed circumstances, a focus that seems essentially aesthetic.[27]

A peculiar detail in the work's argumentative dynamics emerges from this arrangement. Rather than provide a comprehensive causal narrative followed by a discussion of changes, as might be expected, Tacitus reverses this logical order. He places Aper's account of stylistic outcomes near the center of the work and postpones the more detailed discussion of causes until the dialogue's close. This order, however, does not mandate that the closing speeches present a final answer to the consideration of *eloquentia*. Aper's speech, by referring to the educational circumstances and oratorical institutions that Messalla and Maternus will come to discuss, creates an unmistakable connection to those speeches. Yet Aper's account logically demands to come *after* them. Consequently, the full effect of Aper's arguments depends on the narratives that follow: do their explanations support or contradict his piece of the developmental narrative?

Messalla's first speech (25.1–26.8)[28]

Messalla's pessimistic view of modern oratory could hardly be more unlike Aper's appreciation of contemporary practice. Yet Messalla's short first

[27] Levene (2004) 178 remarks: "Aper, like Maternus before him, views literary history as fundamentally controlled by aesthetic criteria." Again, it should be emphasized that Levene discusses literary history, whereas the present discussion focuses on *eloquentia*. The accounts of these two different topics need not be identical.

[28] Many passages in this section are also discussed in Chapter 7, which treats literary history and criticism in the *Dialogus* along with its main forerunners in the Roman tradition: Cicero, Horace, and Quintilian.

speech leaves intact as many of Aper's points as it addresses; the superficial interplay which we found in the first debate will be repeated in the second. Though dubbing Aper's questioning of *antiquus* mere "word-splitting" (*nominis controversia*), Messalla tenders only a minimal response: *tamquam parum proprie antiqui vocarentur quos satis constat ante centum annos fuisse* ("As if those men are incorrectly called ancients who lived more than 100 years ago," 25.1).[29] Messalla defends the ancients as an age without responding to the individual criticisms that Aper had issued. Messalla even accepts Aper's explanation of different styles at the same historical moment: *ne illi quidem parti sermonis eius repugno, qua fatetur plures formas dicendi etiam isdem saeculis, nedum diversis extitisse* ("I won't even counter that part of his speech in which he says that many kinds of speaking exist even in the same generations, not to mention in different ones," 25.2).

More perceptible differences surface in Messalla's contrasting of the ancient and modern periods. The account draws on generational and biological metaphors, with the Ciceronian age as its *telos*. Earlier republican orators such as Galba and Laelius are not yet fully grown: *cum fatear quaedam eloquentiae eorum nascenti adhuc nec satis adultae defuisse* ("since I claim that their eloquence, still growing and not yet sufficiently developed, lacked certain things," 25.7).[30] Final maturity in the age of Cicero results in a healthy integrity of judgment and talent: *omnes tamen eandem sanitatem eloquentiae servant, ut si omnium pariter libros in manum sumpseris, scias quamvis in diversis ingeniis esse quandam iudicii ac voluntatis similitudinem et cognationem* ("However all of them maintained the same healthfulness in their eloquence, such that, if you were to take up the works of all of them together, you would know that, despite their different talents, a certain likeness and kinship of judgment and inclination exists," 25.4).[31]

The modern age by contrast fares much worse, as Messalla decries first its theatricality (26.1) and then its unmanly, exuberant garb: *neque enim oratorius iste, immo hercule ne virilis quidem cultus est quo plerique temporum nostrorum actores ita utuntur ut lascivia verborum et levitate sententiarum et licentia compositionis histrionales modos exprimant* ("And indeed this adornment isn't oratorical, by Hercules it's not even manly, which most of the

[29] The mention of 100 years seems to exclude Asinius Pollio and Messalla Corvinus from the *antiqui*, since they lived into the first century CE. This is one of many instances in which these two figures complicate the views of Messalla and Maternus. See below for discussion of these complications in the final debate.

[30] Aristotle's *Poetics* and Cicero's *Brutus* use similar biological metaphors. See Goldberg (1995) 6–7 and Levene (2004) 182.

[31] *Cognatio* ties in well to Messalla's biologically oriented view of rhetorical development, discussed below. I follow Rhenanus' emendation *sanitatem* ('health') for the manuscripts' *sanctitatem* (followed by e.g. Mayer).

speakers of our day so make use of that they express rhythms which are theatrical, with the lasciviousness of their words and the levity of their epigrams and the license of their composition," 26.2). The language, with its three elements (*verba*, *sententia*, *compositio*), reprises Aper's earlier slighting of uncultivated antiquity: *sordes autem illae verborum et hians compositio et inconditi sensus redolent antiquitatem* ("However, those filthy words, gaping composition, and unrefined periods reek of antiquity," 21.4).[32]

The fundamental difference lies in the perspective from which each interlocutor builds a developmental narrative. Aper envisions antiquity as a precursor to modern improvements, whereas Messalla takes it as the fully formed model against which to measure all other periods. These alternative teleologies open up the possibility for different kinds of analysis. Aper's model is open-ended, allowing for refinements in post-republican oratory – an open-endedness partly shared by Cicero's *Brutus*. Messalla's closed teleology has advantages as well, however much his privileging of the *antiqui* may seem reactionary or insensible to later changes. By idealizing a given period one can impose and assess the standards and cultural norms that allow *eloquentia* to flourish in a given period. Messalla's aetiology opens up a space for moral criticism which will ultimately become the main emphasis of his speeches. The larger methodology here should be stated: rather than insist on the validity of one or the other teleology, we can more fruitfully ask how such teleologies open up a discursive space within literary critical texts and thereby create meaning. In functional terms these competing teleologies enable different forms of analysis, both of which are traditional by Tacitus' time (stylistic evolution and moral criticism).

By overlaying moral analysis onto a static conception of the past, Messalla insulates the *antiqui* from criticism. He emphasizes the general characteristics of an age, as in the likening of Cicero's time to that of classical Athens: *haec oratorum aetas maxime probatur* (25.3). Moral decay consequently afflicts periods as much as individuals, a logical move that will force Messalla into evidentiary difficulties. He attacks the meretricious theatricality of the present by targeting extravagant figures such as Maecenas or Gallio: *calamistros Maecenatis aut tinnitus Gallionis* ("Maecenas' curling-tongs or Gallio's jingles," 26.1).[33] Criticism of Maecenas was widespread, as authors eagerly trotted him out in discussions of wayward style. Still it is hard

[32] The technical terms, especially *compositio*, here and elsewhere in the *Dialogus* are used in various meanings: cf. the useful note at Mayer (2001) 157 with 21.4, 22.2, 23.6, and 26.2.

[33] For the figurative sense of *calamister*/*calamistrum* cf. Cic. *Brut.* 262 and *Orat.* 78. Sen. *Ep.* 114 immortalized Maecenas' extravagance, though numerous references to his life and style exist in Latin literature. Cf. Mayer (2001) 171 for references. Quint. *Inst.* 9.4.28 gives sensible evidence of his excesses.

to see how this *exemplum* responds to Aper's justification of modernity, which nowhere calls for the sort of garish extravagance of which Messalla makes light.[34] As discussed above, Aper praises the interlocutors' effective combination of rhetorical tools along with restraint (23.6).

Yet the real problem lies less in the general categories of criticism than in their specific application. Tacitus (as he did in the first debate) inserts a pointed instance of "corrective exemplarity." Maecenas, who lived from 70 to 8 BCE, is squarely within the chronological limits of the *antiqui*. Slightly younger than many of the seven orators termed *antiqui*, he falls between Asinius Pollio (b. 75 BCE) and Messalla Corvinus (b. 64 BCE) – both of whom outlived him. Certainly it could be argued that not everyone in the age of the *antiqui* ought necessarily to meet Messalla's standards. Yet his thought is closed off to the kind of finer gradations within a period which Aper promotes – Messalla recognizes stylistic variation, but still claims that ancient speakers possessed a "likeness and kinship" (*similitudo et cognatio*) despite their unique dispositions (*diversa ingenia*, 25.4). The descriptive term *cognatio* (literally "being born with") emphasizes his wedding of the biological model to a specific generation. Yet Messalla's primary example of decadence, Maecenas, was educated and trained in the culture of the Late Republic, a coeval of the *Dialogus*' Ciceronian era. Indeed the pairing of Maecenas with Gallio, his modern pendant, sharpens his ascription to the earlier generation. The implicit logical consequences are clear enough: both the past and the present produce models of extravagance.

Rather than refute Aper's call for innovation, Messalla adds a dimension to his account of rhetorical development, attacking a specific embodiment of style which turns out to arise at all periods of history. Messalla's arguments are significant for outlining what can go wrong in oratory: it becomes "unmanly" through meretricious techniques (26.1); it begins to look like stage-acting (26.3); or the pursuit of vigor can devolve into brashness (26.4). Both interlocutors argue the extremes at certain points, detailing the worst in a specific phenomenon. Messalla scorns moral decay and extravagance, Aper uncultivated style. To emphasize the extremes in this way creates a false dichotomy, fringe complaints that can just as equally redirect us to the middle ground. Their dispute over Cassius Severus perhaps best outlines what that middle ground might have looked like. Aper envisioned Cassius Severus' innovations as a result of *iudicium* and *ingenium* (19.1), categories central to rhetorical ability and its analysis. Whereas Messalla ascribes those

[34] Conte (1994) 401–7 discusses theatricality in the Empire, seeing the period after Augustus (especially Nero's reign) as the "Age of Spectacle." See Fantham (1996) 196 on the connection to the decline of patronage under the Empire; Levene (2004) 181 on Messalla's language and reference to pantomime.

characteristics to the ancients (25.4), he handles Cassius as little more than an exponent of brash force.[35] The analysis fails to evaluate the necessity of Cassius' innovations or the reasoning that stood behind them. Messalla's response offers at best a corrective rather than a full-scale rebuttal.

These competing analyses of Cassius pinpoint his stylistic shortcomings, while outlining possible directions for oratory. The argumentative scenario is like that of the first debate: Messalla's criticisms of Cassius are not a wholesale rejection of him – indeed Messalla admits as much by (grudgingly) bestowing on Cassius the title *orator*, in comparison to those who followed him (26.4). The admission, of course, reveals the extent to which the passage of time has a tendency to canonize older speakers: the term *orator* is not merely an ideal with fixed qualities but also an assessment which is partly subject to the vicissitudes of reception. At the same time, Aper had cited Cassius as the embodiment of a principle rather than an ideal: Cassius introduced necessary changes, but Aper does not (as far as the corrupt text permits judgment) hold him up as a model for stylistic emulation. Again, the composite image of Cassius is one of stylistic evolution, but an evolution that is ongoing and not yet up to the expectations for modern style. The mixed analysis leaves open the possibility that Cassius, not unlike the earlier republican figures Galba and Laelius, embodies a preliminary stage of an evolutionary process, which would continue to develop in the intervening decades.

Messalla's second speech (28.1–35.5)

Messalla moves to the topic of education, calling on the emergent orator to acquire the broadest possible range of knowledge. His sympathies are familiar to us from Cicero, whose ideas and language are echoed as he outlines a pedagogical program covering the cradle to the bar (or the *nutrix* to the *tirocinium fori*). The ranging demands of encyclopedic knowledge entail a tour de force of Roman pedagogical institutions: elementary education with a *grammatista*, classical authors in the hands of a *grammaticus*, the *artes liberales* as continued education, and (later in the speech) the introduction to the forensic sphere: the *tirocinium fori*. He passionately summarizes the benefits:

[35] Cassius is, in some sense, the opposite of Maecenas: harshness rather than softness. Quintilian, unlike Messalla, gives an example of balanced criticism: Maecenas' extravagance is criticized (9.4.29) but then immediately followed by praise for Domitius Afer's use of hyperbaton to add the appropriate roughness to his writings (9.4.30).

> ita est enim, optimi viri, ita: ex multa eruditione et plurimis artibus et omnium rerum scientia exundat et exuberat illa admirabilis eloquentia; neque oratoris vis et facultas sicut ceterarum rerum angustis et brevibus terminis clauditur, sed is est orator qui de omni quaestione pulchre et ornate et ad persuadendum apte dicere pro dignitate rerum, ad utilitatem temporum, cum voluptate audientium possit.
>
> This, this indeed is how it stands, excellent men: that admirable eloquence flows out abundantly from much learning, numerous arts and universal knowledge. The capacity and effectiveness of an orator is not contained, just as in all other matters, by narrow and limited boundaries. But that man is a true orator, who can speak beautifully and elegantly on every issue and fittingly for persuasion, in accordance with the dignity of matters, to the expediency of the conditions, and with the pleasure of the listeners. (30.5)

Messalla's vivid account of the requirements for true oratory presents a case as compelling as Aper's championing of modern eloquence. His passion is also revisionary, confounding an educational ideal with the actual practices of Cicero's day. Problems of this sort are not restricted to misunderstanding the *antiqui*. On numerous points Tacitus includes just enough contradictory material so as to cast doubts not only on Messalla's conception of the past but also on his criticisms of the present. Messalla's nostalgia for the bygone days of the *tirocinium fori* (34.1–2) is contradicted outright by the details of language at 2.1.[36] Additionally, complaints against the *rhetores* and their schools, though common among imperial writers, also overlook the usefulness of declamatory training. Even Corvinus and Pollio, whom Messalla ranks among the best of the ancients, actively pursued declamation. As with the *exempla* provided by Aper and Maternus in the first debate, Messalla's proof stands in a curious relationship to his general claims.[37]

Chapter 2 argued that various contradictions in Messalla's statements and other sections of the *Dialogus* ultimately render his criticisms a kind of program for modern oratory. Tacitus deftly and ironically deploys him as a vehement critic of modernity in order ultimately to justify modern practices. Rather than focus on potential conflicts in Messalla's statements, the present discussion will briefly outline Messalla's pedagogical model and its relevance to the broader picture of oratorical training in the *Dialogus*. Messalla's focus on pedagogy and moral upbringing supplements

[36] The intratextual contradiction is discussed at length in Chapter 2.

[37] Messalla's idealization: Barwick (1929) 87–90, Brink (1989) 490–1 and 494, Luce (1993a) 20–1; *tirocinium fori*: Chapter 2; criticism of *rhetores*: Brink (1989) 476 (and n. 23 for sources); practical value of declamation: Murphy (1991) 2291; Corvinus and Pollio: Luce (1993a) 21.

the work's assessment of the social factors informing *eloquentia*. It also endows Messalla's function in the work with an importance beyond either unchecked condemnation of the present (if we believe him) or naïve nostalgia for a bygone era (if we do not). His statements establish a fundamental connection between the *Dialogus*' exemplary status as a repository of *eloquentia* and its pedagogical function for an audience.[38]

Evidentiary inconsistencies shape the application of Messalla's sweeping thesis. Although the Ciceronian educational ideal seems to support the benefits of universal learning for the orator, it hardly typified education in the Late Republic.[39] Cicero's ideal of the *doctus orator* depicts an exception rather than the rule, although Messalla reads this ideal as if it typified rhetorical education of the period. At the opposite end, Tacitus provides compelling evidence for the persistence of broad education. Aper had already remarked on the prevalence of philosophical training (19). Tacitus' *Agricola* demonstrates a similar point, when Tacitus lauds restraint in the zealous pursuit of philosophy: *memoria teneo solitum ipsum narrare se prima in iuventa studium philosophiae acrius, ultra quam concessum Romano ac senatori, hausisse, ni prudentia matris incensum ac flagrantem animum coercuisset* ("I remember that he used to relate that he would have, in his first youth, imbibed the study of philosophy very diligently, and more so than would be permitted a Roman and a senator, had not the foresight of his mother restrained his inflamed and fired spirit," 4.5). As long as we can read Messalla's statements as an ideal eagerly pursued by at least some of Tacitus' contemporaries (Quintilian in particular), they outline a rhetorical program that flourished into his own day. An orator's education should be broad, including history, philosophy, law, and rhetorical theory. Philosophical training includes the ability to understand (and therefore direct) human emotions, an essential part of the orator's function (31.2–4). The orator's education, however, should not restrict his suasive abilities to the educated; even the less educated must understand him (32.2). Taking up the metaphor previously offered in Aper's first speech, Messalla remarks that the orator must enter the fray of the forum armed with all his arts (*tamquam in aciem omnibus armis instructus, sic in Forum omnibus artibus armatus exierit*, 32.2). Theoretical training will lend itself to real training in the public arena, where the budding orator will learn his trade under

[38] Murphy (1991) 2290: "Tacitus, through Messalla, calls for a similarly broad education of the orator in his day."

[39] The opening of the *Tusculan Disputations*, for example, remarks on the paucity of systematic philosophical texts that were available to Romans for their education. At *Brutus* 322 Cicero defines his ideal by suggesting that he alone possessed such an education.

the guidance of senior advocates (34.1–5). And just as the orator must pursue philosophy without overindulgence (31.5–7), it is important that rhetorical training not devolve into the schoolroom exercises of the *rhetores* (35.1–5).

There is a metatextual dimension to the programmatic criticism. The discussion of declamation alludes to the staging of the *Dialogus* (much as Maternus' references to pleasurable seclusion did). In attacking declamatory practice Messalla desiderates *veritas* ("actuality," "realistic character"): *sequitur autem ut materiae abhorrenti a veritate declamatio quoque adhibeatur* ("however the result is that declamation is practiced on material distant from reality," 35.4). The term had grown significant in rhetorical works, which stressed the need to sharpen one's eloquence on a "realistic situation" rather than solely on the extravagant topics that grace the declamatory corpus.[40] The concern puts into a new light Aper's plea to Maternus to stick to the private issues of the current age: *nobis satis sit privatas et nostri saeculi controversias tueri* (10.8). Aper ostensibly means the "controversial issues" of the present, urging Maternus to avoid mythical or historical yet remote subjects such as Thyestes or Cato. Nevertheless he establishes a valuable connection between topical subject matter and the exercise of *eloquentia*, as the term also suggests the rhetorical *controversiae*, mock forensic speeches. Moreover, the *Dialogus* presents him – and the other interlocutors – debating issues of tangible significance, just as it suggests that the interlocutors might be "dealing with the preparation of some case" (*causae alicuius meditationem tractantibus*, 14.1). Tacitus repeatedly demonstrates the ideals to which he gives voice and thereby combines the exemplary and evaluative functions of the *Dialogus*.

Maternus' second speech (36.1–41.5)

The unfortunate gap between the last two speeches would have contained the transition between the two speeches, including perhaps an

[40] Brink (1989) has amply discussed Quintilian's favoring of rhetorical exercise under the condition that such training should maintain a close tie to *veritas*; Brink summarizes (476): "let declamation be an exercise and not an end in itself." Quintilian makes declamation identical with forensic activity provided that declamation is used to advance the orator's real-world skills: *nihil ergo inter forense genus dicendi atque hoc declamatorium intererit? si profectus gratia dicimus, nihil* (*Inst.* 2.10.9). He provides an excellent example: the "disinherited son" motif from declamation could be fruitfully applied to inheritance disputes in the centumviral courts (*Inst.* 7.4.11 and 7.4.20). In this regard it may be worth considering how much the "domestic" orientation of imperial declamation may be inherently tied to, and even partly explained by, the rise in prominence of the centumviral courts. Pliny is a rare voice in suggesting at one point that declamation may be "better than the real thing," because speakers also acquire bad habits in the forum (*Ep.* 2.3.5).

interlocutor's response to Messalla's *causae*.[41] What remains of Maternus' final speech can be divided roughly into three sections: 1) the necessity and advantages of *eloquentia* in the Republic (36.1–37.8); 2) the differences between ancient and modern *iudicia* and opportunities for speech (38.1–40.1); 3) the turbulence of the Republic in contrast to the peace of the Empire (40.2–41.5). Scholars have readily equated this speech with Tacitus' answer to the *Dialogus*' introductory question.[42] It compellingly describes many social and political circumstances shaping the scope and practice of oratory, and Maternus' perspective has been considered fundamentally different from the work's earlier speeches.

His comparison of past and present emphasizes that orators thought they could acquire more from their activities (*plura sibi adsequi videbantur*, 36.2), a phrase which echoes the work's opening (*idem assequi*, 1.2) and conclusion (*adsequi magnam famam et magnam quietem*, 41.5); "great eloquence feeds on its fuel like a flame" (*magna eloquentia, sicut flamma, materia alitur*, 36.1). Maternus sees an immense superiority of the cases that were handled in the Republic: *splendor reorum et magnitudo causarum* ("the renown of the parties and the importance of the cases," 37.4). This grandness in turn fosters talent and results in famous speeches: *crescit enim cum amplitudine rerum vis ingenii, nec quisquam claram et inlustrem orationem efficere potest nisi qui causam parem invenit* ("You see talent grows with the significance of affairs, and no one can make a speech brilliant and famous who has not found a case to match it," 37.5). Maternus' picture is compelling – more forcefully persuasive than any other speech in the *Dialogus* – and it has exercised a palpable influence on modern observers of rhetoric and oratory, whose narratives often adopt its terms with little alteration.[43] It may be a convenient irony that the most spirited and grandest speech of the work also bemoans the abeyance of grand oratory. That paradox aside, there are more pressing issues in the details of presentation which will require contextualization in the argumentative dynamics of the dialogue and in the history of oratorical practice at Rome.

[41] Barwick (1929), arguing against Gudeman (1894 and 1914), established the current *opinio communis* that Secundus did not deliver a speech in the lacuna between sections 35 and 36. Steinmetz (1988) proposes a lost speech by Secundus on the decline of oratory in terms of natural growth and decay; *contra* Luce (1993a) 12 n. 8; cf. Mayer (2001) 39 n. 95 and 50.

[42] The view has been questioned, but is still nearly universally held; see recently Mayer (2001). Brink (1989) 496 speaks of "the historical master-key entrusted to him [*sc*. Maternus] by Tacitus."

[43] e.g. Clarke (1996) 100–8; Kennedy (1972) 428–64 and 515–26 is more skeptical of decline narratives, but not for the *Dialogus*; Pernot (2005) 128–201 similarly sees the *Dialogus* as asserting decline, but allows for a more nuanced view of the period as a whole.

Speeches in the *Dialogus* are paired together essentially on the basis of content, that is, each pair centers on a theme (what genre of *eloquentia*, old versus new orators, what makes oratory great). This observation tends to overshadow the way in which the last two speeches are remarkably similar in their styles of argument: like Messalla before him, Maternus grossly exaggerates the differences between the republican past and the imperial present. Maternus presents a narrative of decline which distinguishes past from present in the starkest terms. The arguments are plausible on the surface and yet filled with errors in point of detail. Furthermore, the commonalities between Maternus' final speech and the picture of *eloquentia* in the preceding speeches remain impressive. Ultimately, just as Messalla, despite his complaints, outlines an educational program founded on Roman tradition and Roman texts, so does Maternus in the end demonstrate that the main institutions, especially the juridical framework and the agonistic public venues for oratory, still thrive into the present day. Scholars have tended to isolate the message of Maternus' speech from those before it and from the errors within it for various reasons: because of Maternus' apparent connection of eloquence with the freer government of the Republic, because Maternus' putatively historical explanation might be thought to announce Tacitus' own emergence as a historian, or perhaps simply because no other clear answer for decline appears in the *Dialogus* and, *faute de mieux*, Maternus seems to fit the bill. Again the tendency to name winners and losers has also meant that scholars have granted freer rein to Maternus' historical analysis. This might be reasonable, were his speech not littered with inaccuracies and exaggerations, not to mention meaningful reminiscences of statements made by the other interlocutors. The present section will now turn to the difficulties in Maternus' speech, but as in the preceding analysis of Messalla, the emphasis will be on the programmatic message that emerges from it. As with Messalla before him, the exaggerations and infelicities of Maternus' arguments do not "disqualify" them, but rather redirect us to meaningful contexts within and beyond the *Dialogus*.[44]

Maternus turns to the question of the *iudicia* at 38, where the details of his account are the hardest to reconcile with the realities of the forensic

[44] Discussion of the differences between Maternus' criticism of the courts and the realities of advocacy owes a considerable debt to Crook (1995) and Bablitz (2007). The former work, in particular, perhaps *because* of its impressive refutation of *communis opinio* about imperial decline by judicious examination of the evidence, has not received the attention it deserves; well-noted in Fantham (2009, a review of Bablitz (2007). Rutledge (2012) 79 notes that Maternus' "historical schema . . . is also oversimplified." See now also Roller (2011), who rightly details the evolution and proliferation of venues for competitive eloquence.

world. His view of modern courts stems from his optimistic view of the state of crime:

> nam multum interest, utrumne de furto aut formula et interdicto dicendum habeas an de ambitu comitiorum, expilatis sociis et civibus trucidatis. quae mala sicut non accidere melius est isque optimus civitatis status habendus est in quo nihil tale patimur, ita cum acciderent, ingentem eloquentiae materiam subministrabant.
>
> It makes a great deal of difference if you have to speak about theft or formulary procedure and provisional decree, or about electoral bribery, plundered provinces, and murdered citizens. It is better that these evils don't happen, and we should think those political conditions the best in which we don't suffer such things; yet whenever they did use to happen, they supplied incredible nourishment for eloquence. (37.4–5)

On Maternus' account modern orators handle little more than small-time cases on trivial issues, a point later reinforced by his suggestion that the current political dispensation has virtually rid the world of noteworthy crimes (41.1–4): "since wrongdoing occurs so seldom and so sparingly" (*cum tam raro et tam parce peccetur*, 41.4). Reference to these courts picks up on Aper's earlier discussion of cases before a single judge who controls the proceedings: the first category is theft (*delictum*), an offence against a private individual, although there could be a punitive element to the settlement.[45] The *formula* involved the determination of the dispute before the praetor and the *interdictum* was likewise under his purview. These examples involve legal procedures before the single judge, such as the praetor or a *iudex* appointed by him. From the perspective of the advocate, these were probably "small beer" in comparison to the grander cases of many criminal and the centumviral courts, which involved panels of judges and a larger audience.

There is, however, every indication that activity in these courts continued apace, and that advocates hardly lacked opportunities for cases of the kind whose abeyance Maternus describes. The venues had changed to some extent, as crimes that had once been handled in the standing criminal courts (*quaestiones perpetuae*) were increasingly placed under the jurisdiction of the imperial prefects, the Senate, or the emperor.[46] Perhaps most famously (and relevant for the *Dialogus*), Pliny and Tacitus together pleaded before

[45] Harries (2007) 43–58 is especially lucid on delict.

[46] On the *quaestiones perpetuae* and criminal advocacy, see Greenidge (1901) 415–504; Gruen (1968) 258–62; Jones (1972), esp. Chapter 2 (Republic) and Chapter 3 (Principate); Crook (1995) 27, 135, 176–7, 180–96; Robinson (1995) 1–14; Brennan (2000) 235–8, 365–70, 416–24, 465–75; Bablitz (2007) 141–54, 158–64.

the Senate the prosecution for *repetundae* of Marius Priscus, the former governor of Africa – a scenario that could easily be described with the terms Maternus had used for the sensational cases of the Republic: *expilatis sociis et trucidatis civibus*. Priscus had, after all, taken 300,000 sesterces to exile a Roman *eques* and to put to death seven of his associates. The life of another *eques* was bought for 700,000 sesterces: he was first flogged and condemned to the mines, a sentence he escaped only because he was strangled to death in prison (Plin. *Ep*. 2.11).[47]

Other oddities in Maternus' account are equally perplexing. He remarks that the forum used to be packed with advocates, onlookers, and supporters (39.4, cf. 38.1). Yet lawyers and the spaces where they plied their trade were no less active in Tacitus' day – in fact the sheer volume of judicial activity was a major motivation in the successive construction of numerous imperial *fora* of immense size to handle all the activity: the *fora* of Julius Caesar, of Augustus, of Nerva, and, a few years after the *Dialogus*, of Trajan (with the *basilica Ulpia*), not to mention the massive space allocated to the centumviral courts in the *basilica Iulia* on the south side of the forum.[48] These structures alleviated the ever-increasing need for courtroom space, and there is still every indication that the *forum* was as busy as ever.[49] Horace calls it jam-packed (*differtum forum*, *Ep*. 1.6.59) and a century later Martial concurs: "all the *fora* are bustling with lawsuits" (*fora litibus omnia fervent*, 2.64.7).

Maternus further cites the recent prominence of the centumviral courts:

> causae centumvirales, quae nunc primum obtinent locum, adeo splendore aliorum iudiciorum obruebantur, ut neque Ciceronis neque Caesaris neque Bruti neque Caelii neque Calvi, non denique ullius magni oratoris liber apud centumviros dictus legatur, exceptis orationibus Asinii, quae pro heredibus

[47] Although I find 102 CE or thereabouts the most plausible date of publication, I don't wish to exclude an earlier date (or the possibility of later revision and republication). Those favoring an earlier date under Nerva or very early in Trajan's reign might object that Tacitus' prosecution of Priscus still lay (just) over the horizon, and should not be brought in as evidence to compare to Maternus' speech. Tacitus' involvement in the case against Priscus would, however, only strengthen the larger argument presented here: Tacitus' own actions as a prosecutor show that he continued to seek out, or at least was thought worthy of, cases of considerable importance. Tacitus' involvement with the case would put his actions directly at odds with Maternus' claims here, and certainly at odds with those who see the *Dialogus* as Tacitus' *adieu* to oratory.

[48] These are further discussed below. Cf. *LTVR* II.289–359 (*fora*); *LTVR* I.177–9 (*basilica Iulia*). Indicative in architectural terms of the continued prominence of the law courts is Trajan's *basilica Ulpia*, a "sumptuously appointed court-of-law" and "largest of the buildings in the *forum Traiani*" (II.352), which was itself "the largest, and most elaborate of the imperial forums" (II.348).

[49] Excellent on this, Bablitz (2007) 15–50; further studies in Angelis (2010); Suet. *Aug*. 29.1 on the need for an additional forum because of the number of people at the courts: *fori exstruendi causa fuit hominum et iudiciorum multitudo*.

> Vrbiniae inscribuntur, ab ipso tamen Pollione mediis divi Augusti temporibus habitae, postquam longa temporum quies et continuum populi otium et assidua senatus tranquillitas et maxima principis disciplina ipsam quoque eloquentiam sicut omnia alia depacaverat.
>
> Centumviral cases, which are now the most prominent, were so obscured by the splendor of other courts that no speech delivered before the hundredmen is read, not by Cicero, Caesar, Brutus, Caelius, or Calvus, nor by any great orator for that matter, except for Asinius' speeches *On behalf of Urbinia's heirs*, though these were delivered by Pollio himself halfway into Augustus' reign, after a long stretch of peace, the unbroken inactivity of the people, the unremitting calm of the Senate, and the great discipline of the *princeps* had thoroughly pacified even eloquence itself, like everything else. (38.2)

The centumviral courts are Maternus' central example for the decreased significance of oratory, as his explanation suggests a correlation between the emergence of the centumviral court and the rise of the principate. Asinius Pollio (like Messalla Corvinus) is a canonical figure in the *Dialogus* whose chronology complicates the strict distinction between Republic and Empire. But here Maternus deftly turns these problems of chronology into a plausible narrative: it was in his later years under the Empire that this republican-born figure fell under the spell of the new courts. Maternus' assertion is worth pressing, not only because of its alignment of the centumviral courts with the principate, but also because of the forcible and exclusive nature of his claim.

Readers of *de Oratore* will remember the extent to which Crassus' oratorical reputation largely depended on the remarkable *causa Curiana*, an inheritance speech before the centumviral court on behalf of Manius Curius.[50] The noted legal expert Quintus Scaevola was his opponent in the case, which in the later tradition came to exemplify the conflict between the letter (*scriptum*) and the spirit (*voluntas*) of the law; Quintilian draws attention to the case for this very reason (*Inst.* 7.6.9–11).[51] This speech on a testamentary dispute showcased a whole range of oratorical techniques, styles, and arguments (*Brut.* 197–8). While we do, in fact, hear little about

[50] Cicero has Crassus describe it: "That very famous case was defended before the centumvirs with a remarkable gathering of men and anticipation" (*clarissima causa apud centumviros quo concursu hominum, qua exspectatione defensa est*, *de Orat.* 1.180). Cf. *de Orat.* 1.238, 2.24, 2.140–1, 2.221, *Inv.* 2.122–3, *Brut.* 144–5, 194–8, 256, *Top.* 44, *Caec.* 53, 67, 69, *ORF* 245–8, LPW II.68–9. The most accessible overview of the case and scholarship remains Vaughn (1985). It was presumably held between 94 and 92 BCE. Cic. *de Orat.* 1.173-84 stresses the importance of civil law and the centumviral courts in particular.

[51] I emphasize that this is how the rhetorical tradition handles this famous case, whereas modern interpreters reject the characterization of it as the conflict of spirit and letter; Tellegen (2003).

such cases towards the end of the Republic, they could certainly bring an orator considerable fame, and, more importantly, offer ample opportunity for a skilled orator to create famous oratory, as Crassus had memorably done.[52] Still, Quintilian in discussing the speech may not have a copy of it; Cicero says that Crassus published his political but not his court speeches.[53] Despite the renown of the case, Maternus and his contemporaries may not have possessed the speech. His argument is carefully presented, asserting that no case from the centumviral courts is read today (*legatur*) and concluding that they were therefore eclipsed by other venues (*obruebantur*). The underlying problem is whether the vicissitudes of publication and reception are enough to make a historical claim about the prominence of one court over another, especially when one considers that other Ciceronian speeches on less significant civil suits, which were not before the centumviral courts, did survive, such as the *Pro Quinctio* or those singled out by Aper for criticism (20.1).

Maternus argues as if the centumviral courts had virtually replaced criminal trials in their entirety. However, the careers of leading contemporaries evince a range of cases. Quintilian could boast of his advocacy on behalf of Queen Berenice, probably between 75 and 79 CE.[54] Details are lacking but it must have been a high-profile affair, given the prominence of both litigant and advocate. Quintilian also published a speech in defense of Naevius of Arpinum on charges of murder (*Inst.* 7.2.24) and pleaded a case on the forging of a will, presumably in the centumviral courts (*Inst.* 9.2.73). Pliny recommends taking up significant cases (*claras et inlustres*, *Ep.* 6.29.3) in language that seems almost to respond to Maternus's *claram et inlustrem orationem* (37.5). And when Maternus notes that great eloquence requires raw material (*magna eloquentia . . . materia alitur*, 36.1), Pliny agrees, but finds greatness in contemporary cases: "you see no one

[52] Narducci (1997) 116: "the centumviral court, at which the *causa* [*Curiana*] was held, because of the large body of jurors, was particularly apt for rich and amplified eloquence" ("il tribunale centumvirale, di fronte al quale si teneva la causa [Curiana], si prestava particolarmente, per la vastità del suo corpo giudicante, e un'eloquenza ricca e amplificata.").

[53] *Orat.* 132: *Crassi perpauca sunt nec ea iudiciorum*. It is hard to reconcile Cicero's claim with Messalla's remark that contemporaries still read Crassus' accusation of Carbo (34.7). Aper and Messalla also offer judgments on his oratory (18.2, 26.1), although their evaluations could be based on the reading of non-forensic speeches. Quintilian refers to the case as the *iudicium Curianum*; he summarizes but does not quote it (consider, however, the similar phraseology, *iudicium Cluentianum*, for the extant *pro Cluentio*, *Inst.* 11.1.74). Steel (2007) 242–3 discusses Crassus' publication of non-forensic speeches. LPW 11.68–9 states that Quintilian's account is entirely dependent on Cicero's.

[54] Quint. *Inst.* 4.1.19; Suet. *Tit.* 7.1 on report of his amorous involvement with Berenice. See Young-Widmaier (2002) on Quintilian's remarks and Levick (1999) 194. Quint. *Inst.* 12.9.7 presses his *orator* also to take up small cases, suggesting some angled only for the largest catch, and that duty bound the orator to a range of cases.

has such innately outstanding talent that he can make it unless he happens upon the right material, the opportunity, and a protector and promoter as well" (*neque enim cuiquam tam clarum statim ingenium, ut possit emergere, nisi illi materia, occasio, fautor etiam commendatorque contingat*, *Ep.* 6.23.5).[55]

Maternus further cites the limited physical space now available to orators:

> quantum humilitatis putamus eloquentiae attulisse paenulas istas, quibus adstricti et velut inclusi cum iudicibus fabulamur? quantum virium detraxisse orationi auditoria et tabularia credimus, in quibus iam fere plurimae causae explicantur?
>
> How much insignificance do we suppose that these cloaks have brought to eloquence, in which we are restricted and as it were shut in as we chat with our judges? How much force do we think that these hearing rooms and archival chambers have taken from a speech, since that's where virtually the great majority of cases are now set forth? (39.1)

Maternus has skillfully transitioned from discussion of the centumviral courts to what must have been another venue.[56] The *toga* rather than the *paenula* would be the expected outfit for proceedings in the forum, and the reference to orators pent up in small rooms likewise suggests that we are not at the centumviral courts but at some smaller setting, probably before the emperor or the various magistrates who preside over cases in hearing halls and archival rooms (*auditoria et tabularia*, 39.1).[57] Maternus further claims that "meanwhile a few others gather around the speaker, and the matter is handled as if in a wasteland; a real orator, however, needs uproar and applause" (*unus inter haec dicenti aut alter adsistit, et res velut in solitudine agitur. oratori autem clamore plausuque opus est*, 39.3). In contrast, says Maternus, the Roman people previously flocked to the forum in great numbers. We can add to this the leeway once accorded to orators:

[55] Pliny emphasizes his desire to assist Cremutius Ruso; talent, raw material, and opportunity are not in question.

[56] On this passage (39.1–4) see now the illuminating discussion by Frier (2010). Crook (1995) 136 n. 110 reads the previously conjectured *pergulas* ("loggias") for *paenulas*; this is rejected by Mayer (2001) 208 on the basis that *inclusi* would therefore not require qualification with *velut*. Neither reading changes the argument here, since either way the larger context is not a large public venue such as the *forum*.

[57] One wonders if this might not also signal a change of judicial intervention in the case of the *unus iudex*, bound to the formulary procedure. Could they too by this time have acquired greater latitude and thereby moved away from an adversarial (rather than inquisitorial) model which allowed advocates to present their cases in full with fewer interruptions by the judge?

> nemo intra paucissimas horas perorare cogebatur et liberae comperendinationes erant et modum in dicendo sibi quisque sumebat et numerus neque dierum neque patronorum finiebatur.
>
> No one was forced to complete a speech in mere hours and you could have as many adjournments as you wanted and everyone decided when they would stop speaking; there were no regulations on the numbers of speakers or trial days. (38.1)

The charges against modern practice are impressive, and Maternus has done precisely what a good orator must: he has marshaled the available evidence in order to cast the modern courts in the starkest contrast with their republican predecessors.

The realities of contemporary advocacy, however, tell a different story: Rome was swamped with legal activity. All the evidence suggests that court cases played a visible and central role in the public life of the Empire, especially, but not only, at Rome. Long speeches could still be the norm in many courts. Pliny once speaks of pleading for seven hours in the centumviral court and mentions that he would not restrict the time of the pleaders when sitting as judge.[58] The *quaestiones perpetuae* did come under stricter regulation with Pompey's measures in 52 BCE and then with the Augustan reforms in the *leges Iuliae*, which appear to have added further courts and formalized the earlier restrictions.[59] Yet the standing criminal courts were only one aspect of the system, and, it is worth remembering, their hold on criminal jurisdiction was gradually diminishing. The emperor and the consuls tried many cases, and the Senate was a main outlet for prosecution of senators (and some *equites*). Pliny is adamant about the importance and grandness of the senatorial prosecution of Caecilius Classicus, noting not only the significance (*magnitudo*) of the case and its relevance to the public interest (*utilitas*), but also the sheer quantity of crimes and defendants (*tot crimina, tot reos*).[60]

[58] Plin. *Ep*. 4.16.2, 6.2.7–8. The length of these Roman hours is a complicated matter. See Talbert (1984) 500–3 on the length of trials. Quint. *Inst*. 11.3.52 urges the orator to speak at the right pace because of the waterclocks.

[59] On Pompey's restrictive reforms on bribery (*de ambitu*) and violence (*de vi*) of 52 BCE, see Asc. *Mil*. 36, 39 and D.C. 40.52.2; Cloud in *CAH*² IX.516–17, 520–4.

[60] Plin. *Ep*. 3.9.8–9. This starkly contrasts with Maternus' unsubstantiated assertions that crimes are rare and the cases insignificant (37.4, 41.4). Cf. Plin. *Ep*. 6.23.4 on a trial described with *magnitudo causae*. There are a few instances of remarkably similar language to describe the courts in the *Dialogus* and Pliny's letters (further evidence below), but I cannot discern a pattern suggestive of anything more than the coincidence of phraseology.

Cases before the emperor and magistrates, including the major prefects, employed *cognitio*.[61] As discussed above, the limitations on speakers or sessions were imposed by the judge, who might interrupt the speaker. Nero is said to have made advocates continue through a speech point by point (Suet. *Nero* 15.1), and Pliny records Trajan's having proceeded similarly while hearing cases at Centumcellae in order better to ascertain the truth of the matter (*Ep*. 6.22.2).[62] Yet clearly this was not the only option, as Pliny will also tell us in discussing the need for long speeches (*Ep*. 6.2.7–8). The emperor Marcus Aurelius is reported to have sat for days listening to advocates (D.C. 71.6.1).

Speeches in the public courts appear to have allotted six hours to the prosecution and nine to the defense, and those numbers could be increased, with the 2:3 ratio maintained, depending on the importance of the case.[63] Asconius and Dio tell us that Pompey's reforms allotted two hours for prosecution, three for defense, and required the entire proceedings, including the examination of witnesses, to be completed within one day. The imperial evidence seems to allow, in fact, for *greater* length of speeches than that previously prescribed by the law which Maternus cites.[64] Pliny notes that he recited a speech in sessions over two days (Plin. *Ep*. 4.5).[65] Speeches before the centumviral courts were typically quite long. Pliny, in addition to having spoken for seven hours himself, tells us that Regulus would regularly request – and was granted – unlimited speaking time (*Ep*. 4.16.2, 6.2.3). Pliny actively encouraged speakers to plead as long as they needed when he was a sitting judge (*Ep*. 6.2.7–8). Quintilian provides evidence – although the procedural details are unclear – of different hearings of the same case before the centumviral courts. It appears that multiple instances of a case could be heard by panels sitting separately, perhaps as part of a process of retrial or appeal (*Inst*. 5.2.1,

[61] Again, Harries (2007) 9, 29–33 urges circumspection in modern use of the phrase *cognitio extra ordinem* (and *cognitio extraordinaria*). Cf. Harries (2013).

[62] It is not clear, however, if advocates were present. That the ascertainment of facts and the formalization of judicial procedure may indeed have been a significant move towards a more just legal system is an important question in legal history, but tangential to the immediate argument.

[63] Bablitz (2007) 172 with Plin. *Ep*. 2.11.14, 4.9.9.

[64] Perhaps the laws allocated more time to pleaders in the intervening years (the Julian reforms?) or the restrictions may not have been the same in cases of *repetundae*. Either way, Maternus' argument is rhetorically well-played and yet insufficient in describing the realities of legal procedure.

[65] Pliny's *Panegyricus*, admittedly a non-forensic but still very public context, was also recited in sessions held on three days (*Ep*. 3.18.4). It is important to note that the sessions may have been shorter than an hour, perhaps like a modern music recital; cf. Johnson (2012) 44 n. 29, with summary of the different calculations at Syme (1958) 94 and Sherwin-White (1966) 251. The latter estimated nearly double the time for each session. The real point is that the speech was not short.

11.1.78). Pliny, almost as if in response to Maternus, remarks on the present laws "which grant so many hours, so many days, so many adjournments" (*quae tot horas, tot dies, tot comperendinationes largiuntur*, 6.2.6).[66]

Furthermore, while it is true that many cases were in smaller venues, they were hardly scenes of desolation. Vitruvius, when discussing the building of spaces for judicial proceedings at a home, recommends that such spaces be made large enough to accommodate a considerable number of people, suggesting that even the "small beer" still attracted public interest (Vitr. 6.5.2). And, as J. A. Crook's analysis of the Egyptian papyri has ably shown, rhetoric at the *cognitio* proceedings was hardly constrained: there was considerable latitude for all the usual rhetorical embellishment and for emotive oratory.[67]

Multiple advocacy likewise flourished well into the Empire.[68] Asinius Pollio and Messalla Corvinus were jointly involved in defense cases (Quint. *Inst*. 10.1.23). Volusenus Catulus was defended by Domitius Afer, Crispus Passienus, Decimus Laelius.[69] Pliny and Tacitus both prosecuted Marius Priscus, facing two opposing advocates. Pliny agrees to take a case if his protegé Cremutius Ruso is allowed to plead the case as well (*Ep*. 6.23), and we find Pliny at the centumviral courts listening to fellow counsel speak (*Ep*. 5.9) and pleading on behalf of Baetica with Lucceius Albinus (*Ep*. 3.9). That the practice was common did not mean that it was valued. Cicero disapproved of the innovation, which apparently originated in the Late Republic (*Brut*. 207). Multiple advocacy ultimately *harmed* the case and its speeches, but became common practice because of the social benefits (*gratia*) accrued from those whom the busy advocate represented (*Brut*. 207–9). The results on caseload were inevitable, "since one often has to speak at several trials" (*cum pluribus iudiciis saepe dicendum est*, Quint. *Inst*. 11.3.22). Pliny accordingly urged restraint, suggesting, as Asinius Pollio did, that an orator should balance taking on real cases with regular practice (*Ep*. 6.29.5).

Maternus gives the impression of a nearly abandoned, and certainly desolate, forum. Largely because of the nature of the sources, we do not possess much evidence detailing criminal cases outside of the Senate, although Juvenal claims that you could spend all day at the court of the urban prefect to hear the crimes of the world.[70] Certain cases had immense

[66] Consider the notable correspondences with 38.1 (quoted above).
[67] Crook (1995) 58–118; cf. Frier at *CAH*² XI.977 remarking on possible differences in others provinces.
[68] Plin. *Ep*. 6.31.11; he uses the phrase *ingens advocatio* at 6.33.3. On this point see the discussion with references at Bablitz (2007) 171 with 245 n. 8, 178 with 247 n. 78.
[69] Quint. *Inst*. 10.1.23–4; on Passienus: *PIR*² P 146.
[70] Juv. 13.157–8. Even accounting for possible exaggeration in Juvenal's "dawn till dusk," it's likely that this court was very busy.

audiences. Regular sessions of the centumviral courts had forty-five judges in addition to counsel and litigants; added to this were the onlookers. We hear from Seneca the Elder that speakers could be overwhelmed by the noise at these courts, partly because speakers pleading before one of the four panels of the court might have to compete with those pleading before one of the other panels. Seneca and Quintilian confirm the din of the public venues.[71]

Sometimes all four panels of the centumviral court (180 men) convened to hear a single case, which made for an impressive spectacle; certainly this is far more judges than the forty-five to seventy-five estimated for most criminal trials in the Late Republic; and the people came in droves. Pliny tells us of a case in which the *basilica Iulia* was so packed that a member of the audience had his clothing torn in the fray; the young man nevertheless stood listening for hours. Leanne Bablitz has calculated that when Pliny spoke on behalf of Attia Viriola the audience probably exceeded 2,000 people.[72] Spirited participation would not be lacking: Pliny remarks that even the judges at the court would stand up and offer praise while he spoke (*Ep.* 9.23.1).

Thus, a far different image emerges from the contemporary evidence of the courts: there were ample venues for oratory of all kinds.[73] The prosecution of Marius Priscus, and Pliny's appearances before the Senate, are prime examples of grand cases involving significant figures of the day.[74] The speeches Pliny and Tacitus chose to publish must have included a number of *causes célèbres*. Pliny was involved in a number of cases in the Senate and often represented the Baeticans, prosecuting Caecilius Classicus and his associates soon after the trial of Priscus; he defended Julius Bassus in 103 CE, represented Varenus Rufus in 106 or 107 CE against the Bithynians, and pleaded before the emperor around the same time. Neither should we overlook praise speeches such as Pliny's *Panegyricus* or Tacitus' eulogy of Verginius Rufus in 97 CE.[75]

[71] Sen. *Con.* 9 *praef.* 5; Quint. *Inst.* 6.1.48, 10.3.30, 12.5.6.

[72] Plin. *Ep.* 6.33. Bablitz (2007) 61–70 should be consulted for a visual depiction of the layout of the centumviral court and the analysis of the size of the audience; on the courts, cf. Kelly (1976) 35–9; Querzoli (2000); and Gagliardi (2002).

[73] Bablitz (2007) 12: "In the imperial era, we thus discover a city teeming with courts – courts in which litigants sought justice or revenge, boisterous audiences found entertainment and employment, and nervous advocates struggled to win using all the weapons in their arsenal."

[74] The same could be said for the various *maiestas* trials pleaded before the Senate and the emperor. For succinct analysis of the legal and procedural background of Pliny's major cases in the Senate, see Robinson (2007) 78–98.

[75] It is curious (and unfortunate) that epideictic is explicitly touched on only in passing in the *Dialogus* given its role in public oratory of the principate.

There is nonetheless little to object to, in rhetorical terms, in the incongruity of Maternus' bleak description with the realities of the judicial world. As Messalla had done in his criticism of modern oratorical preparation, Maternus gathers together the most salient points for the case he makes, including the most useful details and discarding or shifting attention away from the less persuasive. The final speech is a masterpiece of *inventio* and exhibits more than any other the deft manipulation of fact which Luce identified as a key element in all the speeches, what we nowadays disparagingly call "rhetoric." Yet this is no reason to reject Maternus' argument, because his speech provides an opportunity to reconsider the relationship between the claims it makes about oratory and the realities of oratorical practice in Tacitus' day. In this regard we can look again to the interconnections between Maternus' speech and other parts of the dialogue, since numerous passages, especially from Aper's speeches, obtain a new relevance in the light of Maternus' emphasis on institutional change. Observations have been made on scattered phenomena, but the connections are far more systematic than has been acknowledged thus far.[76] Through these interconnections, Maternus' closing speech provides a historical backdrop against which to assess the preceding speeches. Consequently, its claims and implications demand incorporation into the earlier discussions.

Maternus summarizes the circumstances of the Republic and their impact on orators:

> nam etsi horum quoque temporum oratores ea consecuti sunt quae composita et quieta et beata re publica tribui fas erat, tamen illa perturbatione ac licentia plura sibi adsequi videbantur, cum mixtis omnibus et moderatore uno carentibus tantum quisque orator saperet quantum erranti populo persuaderi poterat.
>
> You see, although the orators of that age too acquired those things which in an ordered, calm, and fortunate state could be granted, nevertheless in that *bouleversement* and recklessness they were seen to acquire more for themselves. In the presence of disordered affairs which lacked a single guide, each orator was as wise as an errant populace could be persuaded [that they were]. (36.2)

In an environment of license and *bouleversement* orators previously acquired more for themselves. *Plura* denotes the offices and prestige that an orator could acquire, which Maternus elaborates in section 36.4: *praemia*, *honores*,

[76] E.g. Gudeman (1914) 468–9 (on various passages, although some of his parallels do not persuade me entirely); Mayer (2001) 165 (on 23.3 and 39.1); Dammer (2005) 342 n. 32 (on 20.1 and 37.4); Frier (2010) (on 20.2 and 39.3).

gratia, *auctoritas*, *notitia*, and *nomen*. At 36.5 Maternus details the geographical extent of an orator's power (as Aper had in his first speech), mentioning *exterae nationes* and *provinciae*. He elaborates the benefits of oratory like those named in Aper's first speech, implicitly responding to it, but reinforcing the values expressed there. Maternus insists upon a close connection between *eloquentia* and its rewards, cataloguing a forceful republican precedent for Aper's modern focus on *utilitas*. He stresses that orators sought out dependents (*clientuli*) rather than being regarded as dependents: *ne clientulorum loco potius quam patronorum numerarentur* ("In order that they not be counted as insignificant clients rather than as patrons," 37.1). Both Aper and Maternus emphasize that rhetorical ability allowed an orator to acquire considerable social and political standing. Although mention of the emperor hints at the present imperial dispensation of political office (*moderatore uno carentibus*), Maternus does not devalue the importance of modern magistracies. Rather, his picture of republican orators only reinforces Aper's connection of political power and skilled speech.

A significant complication in the *Dialogus* involves the position of Asinius Pollio and Messalla Corvinus in the canon of "classical" orators. Legislation in Pompey's third consulship (52 BCE) placed limitations on criminal courts (38.2). Asinius was born in 76 BCE and would have just entered into a forensic career; the vast majority of his activity at the bar occurred under the legislation that Maternus names. And Messalla Corvinus (born 64 BCE) was still a boy at the passage of the *lex Pompeia*; his mature development took place under its provisions. Maternus' claims would seem to imply that great orators persisted, despite the rise of the centumviral courts or the shorter time for speeches. It does not seem, on Maternus' model at least, that a Pollio or a Messalla ought to have made any name for themselves, yet Maternus, like the other interlocutors, readily includes them in the canon of great orators.[77]

The general shift in juridical circumstances had already been addressed by Aper in his second speech (discussed above):

> praecurrit hoc tempore iudex dicentem et, nisi aut cursu argumentorum aut colore sententiarum aut nitore et cultu descriptionum invitatus et corruptus est, aversatur [dicentem].

[77] Another similarity of note: advocates still launched their careers at a young age, as Maternus had noted in the case of some republican luminaries (34.7, cf. Quint. *Inst.* 12.6.1). Pliny was in the forum when only eighteen years old (with Latin's inclusive reckoning, "in his nineteenth year," *unodevicensimo aetatis anno*, *Ep.* 5.8.8), Crispinus, the son of Vettius Bolanus, at sixteen (Stat. *Silv.* 5.2.98–110); cf. Mayer (2001) 195.

> Nowadays a judge rushes ahead and opposes a pleader, unless he's been allured and enticed by either the brisk pace of the arguments, the embellishment of epigrams or the shine and splendor of the descriptions. (20.2)

Modern conditions initiated fundamental changes to eloquence: orators had to move quickly and to anticipate possible interruptions by judges. Maternus mentions this last factor: *quia saepe interrogat iudex <ante> quam incipias* ("since often the judge starts asking questions before you can begin," 39.3). Both speakers point to what is probably a residual effect of *cognitio*, which gave judges greater leeway to intervene in proceedings. Aper had noted the need to adapt "at least before those judges who decide by power and office rather than by law and statutes, who set the time rather than receive it" (*utique apud eos iudices, qui vi et potestate, non iure et legibus cognoscunt, nec accipiunt tempora, sed constituunt*, 19.5). Aper does not document a procedural shift as conclusively as Maternus will paint it in his final speech, but he, like Maternus, points us toward the system which would eventually win out.[78] However, Aper's contemporaries (and Tacitus') are not in all instances wrangling with judges, nor does *cognitio* necessarily preclude long speeches.[79] Rather, an orator must first win over a judge otherwise disposed to take the lead – *praecurrit* describes the judge moving ahead quickly; the orator must move more swiftly to capture and then hold the judge's attention. Aper may well be right to suggest that Cicero's long speeches or Messalla Corvinus' cumbersome *captatio* would not work. Maternus naturally emphasizes the disappointment likely to result in the presence of languid pleaders or sedulous judges, while Aper shows how the new style can give the advocate a chance at real oratory. The point in capturing the judge's attention is not merely one of pleasing an audience with the new style; when read in the light of Maternus' later claims, Aper's earlier comments indicate how and in what ways the orator must now compete with judges for the command of public space. The adjustment of aesthetic norms is a key element in doing that successfully. Such judges would include a range of officials, even the emperor, and although they were essentially laymen in legal science, they were hardly untutored in oratory. The modern speaker must command the attention

[78] Frier (2010) 86: "What he noticed was the emergence and rapid ascendancy of a new way of doing justice, a new form of procedure, one that, in the end, with the blessing and patronage of the emperors, was all but certain to overtake and replace the quasi-arbitrational forms of traditional Roman courts." In that same paragraph Frier notes that Tacitus' contemporaries, including the jurists, remained silent on this development. The interpretation in what follows suggests how we might reconcile the statements in the *Dialogus* with the tendencies of Tacitus' contemporaries.

[79] Hence the real value in Crook (1995) 58–118 on *cognitio* in Egypt.

of his rhetorically alert audience, who now possesses greater latitude of office to dismiss the speaker. And with the continued spread not only of rhetorical education and declamation as a virtually ubiquitous art form among Rome's elite, one can well imagine how skilled an advocate must be. The possibility of traditional rhetorical performance in this public venue was now subject to a considerable level of expertise, and Aper's call to innovation is done in the service of tradition: to preserve extended discourse as the means of presentation, especially before judges empowered to separate the dull from the deft.

Yet for all the differences, and the apparent shift towards new venues, especially cases before the centumviral court, considerable common ground nevertheless existed between the past and the present. Maternus' description of civil cases (*de furto aut formula et interdicto*, 39.4 discussed above) takes us back to Aper's criticism of Cicero's long speeches on trival matters: *quis de exceptione et formula perpetietur illa inmensa volumina, quae pro M. Tullio aut Aulo Caecina legimus*? ("Who will endure those huge volumes concerning a counterplea or formulary procedure, which we read about on behalf of Marcus Tullius and Aulus Caecina?" 20.1). Despite Aper's criticism, one can conclude that both the moderns and the ancients attached some importance to these cases.

The procedural changes that Maternus lists correlate quite well with the impulses for changed *eloquentia* that Aper had already detailed in his second speech: the need for extemporaneous speech, quick movement of argument, the pith of *sententiae*, and poetic adornment. These stylistic innovations were inevitable concessions to the modern courtroom. In distinction from Aper, however, Maternus, like Messalla before him, does not discuss the validity of those changes. While he does address the *causae* for a general shift in eloquence, he refrains from evaluating the consequent change that Aper saw as an improvement. Maternus ultimately provides historical depth to the change in procedure, but it is Aper who ultimately tells us how the orator will remain effective in the new circumstances, and how the *Dialogus* "emerges as a key work for recovering not just literary values of the so-called Silver Age, but the forces at work in generating those values."[80]

Maternus' focus on the diminished importance of political oratory does seem to offer compelling reasons for the diminished importance of oratory. He contrasts Cicero's defense of Quinctius and Archias to the politically oriented speeches in defense of Milo and against Catiline, Verres, and Marc Antony (37.6). Combined with the curtailed use of oratory formerly

[80] Goldberg (1999) 237.

directed to the *plebs* (36.7), Maternus outlines the less ambitious scope for oratory. The depiction of political turbulence in the Late Republic underscores the evanescence in the present day of any direct connection between the Senate and the *plebs* – *assidua senatus adversus plebem certamina* ("The frequent battles of the Senate against the plebs," 36.3) – or between magistrates and the people, *cum etiam inviti ad populum producerentur* ("When they were brought before the people even unwillingly," 36.7). However, certain aspects of his account still find their place in the modern age: *cum in aliquam invidiam aut crimen vocati sua voce respondendum haberent* ("When they had to respond with their own voice after being called to answer to some enmity or accusation," 36.7). Individuals in the Republic, Maternus claims, needed *eloquentia* to defend themselves from their opponents. The statement could perfectly describe Regulus' defense of himself in the Senate against the attacks of Helvidius Priscus, which Aper recounts.[81] But Maternus' exaggerations become evident when he says *sibi ipsi persuaserant neminem sine eloquentia aut assequi posse in civitate aut tueri conspicuum et eminentem locum* ("They held the conviction that no one could obtain or maintain a place of distinction and eminence in the community without eloquence," 36.6). Cicero labored ingeniously to make the same case, to himself no less than to others, but his constant apologies for the *orator* are the best reminder that eloquence was hardly the only road to political renown and that others came to great success on more travelled paths. Sulla and Marius are conspicuously absent from Cicero's *Brutus*; Pompey and Caesar needed armies and factional loyalties in their struggles, and while Caesar earned praised for his speaking, Pompey often had difficulties and, once his military prowess was unquestioned, he preferred to avoid the forum precisely because its difficulties could diminish one's reputation.[82] Even Cicero, the exceptional case which seems to underlie Maternus' picture of the Republic, may have risen to power by oratory, but his eloquence could not prevent the worst, in others or for himself.

Perhaps most convincingly, Maternus notes the severed political connection between people and orator. Political conflict between the Senate and people virtually disappeared, and the possibility of governance through the

[81] "What else did Eprius Marcellus use than his eloquence when the senators recently became hostile?" (*quid aliud infestis patribus nuper Eprius Marcellus quam eloquentiam suam opposuit*?, 5.7). Compare as well the case of C. Silanus, who did not know how to speak well and went down in the face of charges of provincial mismanagement (*Ann*. 3.66–7).

[82] See van der Blom (2011); Cic. *Q. fr*. 2.3.2; *Att*. 1.18.6; Plu. *Pomp*. 23.3–4; 51.5–6. Crook (1995) 39 notes that advocacy, while often important, was not absolutely essential to the elite of the Late Republic.

plebs was no longer available in the same way to the orator. In this case the emphasis is less on judicial than on deliberative oratory, the field of persuasion on which course of action to take. In particular the *contio* (a public speech by a magistrate or figure of authority) was an important means for the persuasion of larger audiences (cf. 36.3, 40.1, 41.4). Yet deliberative oratory had certainly not disappeared, either from the orator's training or from the realities of public life, even if its venues were now different. The Senate still debated policy, although the matters tended to be on more mundane matters. Quintilian imagines the modern senator debating the construction of a harbor at Ostia (2.21.18). More generally, Quintilian remarks: "it is in greater matters that he will shine forth more brightly, when he must guide the Senate's meetings and lead the people to better ways when they err" (*maioribus clarius elucebit, cum regenda senatus consilia et popularis error ad meliora ducendus*).[83] There were also various speaking opportunities before the emperor, either before his *consilium* or as a member of it.[84] Juvenal's Fourth Satire, despite its mockery of the *consilium*, emphasizes precisely these aspects, and he must be drawing on ideas about what the *consilium* did and ought to do in order to craft his entertaining parody of failed deliberation. Orators still bring their skills to bear on "diplomatic advocacy," which crossed the lines between judicial advocacy and policy making.[85] Speakers were also called on to speak on behalf of communities, as Pliny details (*Ep.* 5.4 and 5.13), and in communities outside of Rome the *contio* was still common, including for municipal elections.[86] While it is hard to resist the attention that Maternus draws to the abeyance of public oratory, the greatest change is in the role of that oratory in the governance of the state. Orators still captured the attention of the public and were widely known to them: Maternus cites diminished acclaim before the people, asserting that orators of the past had greater popularity (*populare nomen*, 36.3; *plus notitiae ac nominis apud plebem*, 36.4), while Aper takes pleasure in the grand spectacle of toga-clad orators proceeding to the forum and the people flocking to see them (6.4). The unlettered, tunic-clad masses point to the orator and call out his name (*vulgus quoque imperitum et tunicatus hic populus transeuntis nomine vocat et digito demonstrat*, 7.4; cf. 32.2); people crowd around the court in the *corona* ("circle of listeners," 19.5, cf. 20.3).

[83] *Inst.* 12.1.26. Quintilian goes on to cite Vergil's famous depiction of the statesman (*Aen.* 1.151–3), noting the need to rally the troops on the battlefield.

[84] Cf. Crook (1955); the *consilium* was an informal body in the first century, gradually formalized in the second.

[85] Crook (1995) 36 on the phrase, cf. 47–56; Millar (1977) *passim* on the need for oratory in political advocacy.

[86] *BNP* III.154 s.v. *contio* notes this and also the *contio* in military assemblies on campaign.

Maternus ultimately shows that the old motivations have partly changed, but in so doing, his language directs us back to statements and scenarios in the earlier speeches which show us the new ways supplanting the old. He points out the extent to which the public *contio* could have been democratically effective as an instrument of persuasion, but that does not mean that a modern speaker attracted the people's attention any less or that he would any less enjoy the éclat of great achievement. Fame, notoriety, and the rewards that came from recognition by the people were still available in the present day, but a reconfiguration of that relationship no longer set the interests of personal renown against the interests of state order. It is noteworthy that one of his claims about the *contiones* is far less conclusive than it might otherwise seem: mention of the "*contiones* of magistrates virtually overnighting at the Rostra" (*contiones magistratuum paene pernoctantium in rostris*, 36.3) reworks a significant detail from Cicero's *Brutus* "these men were living at the Rostra" (*hi quidem habitabant in rostris*, *Brut.* 305). The passage does highlight the extent to which orators once pursued different outlets for their oratory, but the speakers Cicero mentions were at the Rostra because the courts were essentially closed, and the men listed were largely mediocre orators.[87]

What can we ultimately take away from Maternus' analysis of the present dispensation? Chapter 4 argued that Maternus' first speech, whatever his disagreements with some of his contemporaries, could be read as supporting the imperial system; at the very least, nothing there requires us to think that he opposes either Vespasian or the principate. The consequent praise of imperial order in his second speech need not involve Maternus in gross inconsistencies, on that score at least, and it need not be ironic.[88] His notice of Vespasian, after all, is quite restrained, and what we see here could just as easily be the attempts by a skilled orator to capitalize on elements of the panegyric tradition in the service of a different argument. Maternus draws on imperial eulogy as a rhetorical strategy, but this need not mean that he is therefore indulging in half-hearted or even sardonic panegyric. Vespasian is styled *sapientissimus et unus* (41.4), but compliments of the emperor himself do not go much beyond that, and Maternus indicates that what remains of oratory is a sign that the civil order still needs improvement (41.1).[89]

[87] Charrier (2003) discusses the period in Cicero's account.

[88] Luce (1993a) 22–5 for an overview of the scholarship; Bartsch (1994) 98–125 on doublespeak.

[89] Quintilian similarly notes that orators can no longer claim, as Cicero once did in the *Pro Murena*, that state order depends on the election of a consul. The emperor's guardianship keeps the state safe from the outcome of a single case (Quint. *Inst.* 6.1.35). For Quintilian, however, the point is to adapt to the new circumstances, not throw in the towel.

The analysis is otherwise directed largely at the prevailing conditions of order without crediting the principate alone. The top-down ordering of the state does come through, but Maternus also credits the Senate (41.4) and the general lack of wrongdoing in society at large. The language is certainly what we might expect from imperial panegyric, but Maternus also faults oratory in his second speech as he had in his first – to him it is the mark of disorder, "born of evil character" *ex malis moribus natus* (12.2) set against a better social order *inter bonos mores* (41.3). His view of imperial society in the second speech, like his view of poetry in the first, is largely cast in terms of an ideal. We may not agree with the utopian picture (any more than Tacitus might), but this need not entail an unbridgeable inconsistency across the speeches. Only upon deciding that Maternus must be opposed to the principate, a view for which there is no clear-cut evidence in the *Dialogus*, have commentators been forced to account for allegedly incompatible attitudes throughout the work.[90]

A tension between espousal of the new order and a diagnosis of its results can be read in Maternus' famous (and famously disputed) definition of oratory:

> non de otiosa et quieta re loquimur et quae probitate et modestia gaudeat, sed est magna illa et notabilis eloquentia alumna licentiae, quam stulti libertatem vocant, comes seditionum, effrenati populi incitamentum, sine obsequio, sine severitate, contumax temeraria arrogans, quae in bene constitutis civitatibus non oritur.
>
> I'm not speaking of some inactive and calm thing and one which enjoys approval and restraint, but that great and notorious eloquence is the nursling of license, which fools call freedom. It's the companion of seditious actions, the goad of an unbridled people, lacking compliance, lacking sternness, contumacious, reckless, arrogant, and does not occur in well-ordered states. (40.2)

The relationship of Tacitus' texts to Cicero's and to those of other forerunners will form the subject of the two following chapters, and so we may end this one by briefly considering one of the most complicated references in the *Dialogus*. The passage above, as has long been recognized, includes

[90] Even if we solve the "two-Maternus" problem, other serious inconsistencies in his arguments remain. Methodologically, I have tried to make allowances for those inconsistencies without explaining them away. I do not envision a solution that can make Maternus any more coherent than, say, Messalla, but can certainly imagine better interpretation of those inconsistencies. It is worth reiterating the similarities between Messalla's and Maternus' respective second speeches: the rhetorical strategy common to both is the gross mischaracterization of present circumstances in order to cast better light on late-republican (i.e. Ciceronian) ideals.

various references to Cicero's works (*Brutus*, *de Republica*, *de Oratore*),[91] although the content is most closely tied to the thoughts in Cicero's *Brutus*:

> nec enim in constituentibus rem publicam nec in bella gerentibus nec in impeditis ac regum dominatione devinctis nasci cupiditas dicendi solet. pacis est comes otique socia et iam bene constitutae civitatis quasi alumna quaedam eloquentia.
>
> You see the passion for speaking doesn't usually arise among those who are establishing a government or warring or who are impeded and chained up by the domination of kings. Eloquence is the companion of peace, the associate of leisure, and the nursling as it were of a well-ordered state. (Cic. *Brut*. 45)

Untangling the present message from its earlier incarnation is no easy task, since Maternus seems to turn the tables on Cicero's original formulation. Cicero's *Brutus* argued that good oratory arises in a well-ordered state, while Maternus claims that such conditions did not exist for Cicero and could only hamper the development of oratory. Discussion of the allusions has been plagued by at least a few assumptions, most notably that Maternus speaks for Tacitus, and that, as a consequence, the allusions in Maternus' final speech must therefore be decisive in one direction or another as a representation of Tacitus' opinion: either we must accept peace without oratory or upheaval with eloquence. The contradictions between the allusion and the statement in which they arise are precisely those reflected throughout Maternus' speech: Cicero's age seems to be the model of great eloquence, yet the modern era may still possess conditions necessary for great eloquence. The Ciceronian forerunner, when read in light of Maternus' description of peace and tranquility in the present order, suggests that modern conditions should in fact favor the production of oratory. Maternus' allusion has troubled modern observers not for its rejection of Cicero's definition of oratory, but for its rejection of the world which allowed Cicero to rise to prominence through discord and upheaval. Oratory cannot exist, according to Cicero, under the domination of kings (*dominatio regum*), but regal tyranny is not the state of affairs which we encounter in the *Dialogus*. Cicero in the *Brutus* thought that Caesar's rise was anathema to eloquence, or at least to the power that eloquence brought Cicero, but the

[91] Cic. *de Orat*. 2.35 (Antonius speaks): *et languentis populi incitatio et effrenati moderatio*; *Rep*. 1.68 (Scipio speaks): *ex hac nimia licentia, quam illi solam libertatem putant*. See also Gudeman (1914) 497–9 on these and other parallels. The passage has received considerable treatment; Gudeman (1914) 497–9; Koestermann (1930) 415–21; Caplan (1944) 318 (rejected by Luce [1993a] 26 n. 52, supported by Mayer [2001] 211); Bringmann (1970) 171–4; Güngerich (1980) 176; Martin (1981) 63–4; Döpp (1986) 20–2; Luce (1993a) 26 n. 52; Bartsch (1994) 110–12; Goldberg (2009) 80–1.

intervening years may have taught Tacitus and his contemporaries that the fame of the Gracchi and Cicero was not worth the world which allowed it (40.4). Indeed, Quintilian had already weighed in on the question, noting that Cicero might have achieved the status of the true *orator perfectus*, if he had enjoyed a longer life and more tranquil circumstances (*Inst.* 12.1.20). And if one were to accept, even with reluctant qualification, the tranquility of present circumstances, then far different questions comes to the fore: what is left to make oratory great, do current conditions still foster great speech, and can the new order bring about a new kind of oratory that is still founded on tradition? These questions will occupy us again in the Conclusion, after considering how Tacitus implicitly sheds light on them through carefully crafted allusions to the rhetorical and literary-critical traditions at Rome.

CHAPTER 6

From de Oratore *to* de Oratoribus

Paucitas oratorum: an intertextual motif

The opening sentence of the *Dialogus* borrows numerous details from Ciceronian dialogue and from the convention by which an imagined inquiry, request, or point of dispute gives rise to a protracted literary response. Tacitus poses a question in the voice of Fabius Iustus:

> Saepe ex me requiris, Iuste Fabi, cur, cum priora saecula tot eminentium oratorum ingeniis gloriaque floruerint, nostra potissimum aetas deserta et laude eloquentiae orbata vix nomen ipsum oratoris retineat; neque enim ita appellamus nisi antiquos, horum autem temporum diserti causidici et advocati et patroni et quidvis potius quam oratores vocantur.
>
> Repeatedly, Fabius Iustus, you ask me why, whereas earlier generations flourished in the glory and talents of so many distinguished orators, our age above all, barren and bereft of the eminence of eloquence, hardly preserves the distinction "orator"; you see, we call only the ancients thus, but the fluent speakers of our day are termed "pleaders," "counselors," "defenders," and anything but "orators." (1.1)

On the surface Fabius Iustus' query contrasts the bounty of luminaries in past ages (*priora saecula*) with the barrenness of the present one (*nostra aetas*). Many critics have seen in the preface Tacitus' acknowledgment of oratory's decline since the *priora saecula*, a vague formulation often equated with the "age of Cicero" because a canon of seven orators from the Late Republic and Early Empire will surface in the speeches (Cicero, Caesar, Caelius, Calvus, Brutus, Asinius, and Messalla).[1]

Tacitus has adopted the "paucitas oratorum" motif, common to Cicero's writings. In the prefatory address to his brother Quintus in *de Oratore* Book 1, for example, Cicero expatiates on the dearth of talented orators in

[1] Aper first lists the Pleiad (17.1) and Maternus follows the same scheme. Messalla omits Messalla Corvinus (25.3). Mayer (2001) 88 on *saecula* as "Late Republic." I return to the significance of the plural below.

comparison with the many exemplary practitioners in other fields (*artes*).[2] He sums up the sentiment moments later: *sic facillime quanta oratorum sit et semper fuerit paucitas iudicabit* ("He'll easily judge how pervasive the paucity of orators is and always has been," 1.8).[3] In *Brutus*, with its syncritic tendency to select the two premier orators of each generation, Cicero notes: *nonne cernimus vix singulis aetatibus binos oratores laudabilis constitisse*? ("Surely we see that hardly two praiseworthy orators have existed in each age?" *Brut.* 333). Lastly, Cicero's *Orator*: *tria sunt omnino genera dicendi, quibus in singulis quidam floruerunt, peraeque autem, id quod volumus, perpauci in omnibus* ("In total there are three styles of speaking; some men did well in one genre, but only very few, however, have fared equally well in all of them, and that's what we're after," *Orator* 20). These passages demonstrate well how Cicero tailors the general *topos* of the *paucitas oratorum* to the local needs of each text. In each of the three dialogues he shapes the theme of *paucitas* to match the immediate rhetorical and presentational strategies: in *de Oratore* to emphasize the difficulty of obtaining wide-ranging knowledge, in *Brutus* as a foundation for the syncrisis of paired orators in successive ages, and in *Orator* to emphasize the need for the true orator to master all three styles.

Tacitus' text has somewhat different emphases, since it seems resolute about the vacancy of the oratorical arena. It also focuses intently on the conventions of naming, on whether or not contemporary speakers merit the title "orator," a loaded designation in the Roman rhetorical tradition in its potential to connote the ideal of a supreme speaker. Messalla alludes to the ideal in his repeated appeals to the *doctus orator* in his second speech, and Maternus' last speech will demonstrate the term's political weight through association of the *orator* with the turmoil of the Republic. The *topos* has also left traces in Aper's advantageous comparison of Maternus to the poet Saleius Bassus at 5.4. Saleius need not concern himself with oratory because he lacks the natural disposition for it, whereas Maternus figures among those naturally equipped for the demands of the bar (*natus ad eloquentiam*, 5.4).[4]

[2] See especially the syncrisis of oratory with other *artes* in the preface of Book 1: *ac mihi quidem saepe numero in summos homines ac summis ingeniis praeditos intuenti quaerendum esse visum est quid esset cur plures in omnibus rebus quam in dicendo admirabiles exstitissent* (1.6).

[3] Compare the following passages: *multo tamen pauciores oratores quam poetae boni reperientur* (1.11); *quis non iure miretur ex omni memoria aetatum temporum civitatum tam exiguum oratorum numerum inveniri*? (1.16); *mirari desinamus quae sit causa eloquentium paucitatis, cum ex illis rebus universis eloquentia constet quibus in singulis elaborare permagnum est* (1.19).

[4] Natural talent (*ingenium*) was one of the stock prerequisites for the practitioner of oratory, along with practice (*exercitatio*) and learning (*doctrina*). Syson (2009) discusses the workings of *ingenium* and

We can, however, perceive a more salient difference in the contrasting of ages. Cicero conceives of *paucitas* in universal terms without regard to era or cultural milieu, noting that the Greeks likewise suffered from this predicament. The *Dialogus* introduces a temporal distinction: speakers nowadays versus those of yesteryear. This modification brings the statement into conflict with the models from which it is drawn. Past ages, if one looks to the Ciceronian forerunners, are expressly said *not* to contain a plethora of orators, whereas the epigonal perspective fills the Golden Age with a bounty of orators. The contradiction between text and intertext forces the reader into an interpretive quagmire: do we accept the distinction that Fabius Iustus has proposed or has Tacitus set up this notional opposition only to turn around and undermine it by sending us back to Cicero? Put more generally, do we read the opening of the *Dialogus* as an inquiry about decline, or do we hear the patently Ciceronian ring along with all its ramifications? And lastly, how can readers who are aware of both possibilities adjudicate between the underlying intertexts and the surface meaning of Fabius' question? The claim that few men deserve the title *orator* is itself thoroughly Ciceronian. Its appearance in texts such as *de Oratore* does not highlight cultural failure but rather underscores the difficulty and supremacy of the rhetorical art.[5] A paucity of orators may affirm the privileged status of oratory as much as suggest its decline.

Intertextual reference in the *Dialogus* may not only deepen but even undermine or contradict the surface message. For example, Messalla's exaggerated picture of Ciceronian doctrine has been read as criticism of Quintilian's Ciceronian emphasis and, alternatively, as a rejection of the validity of Ciceronian doctrine in Tacitus' day.[6] This potential dissonance between a text and its model is now acknowledged as a rudimentary and productive dimension of allusion. However, additional considerations affect the treatment of passages like the preface. The formal remnants of Cicero complicate discussion of his oratorical legacy throughout the text. While, for example, the Ciceronian prose of the *Dialogus* may simply reflect expected stylistic conventions for dialogue, allusions to his texts cannot be explained away on generic grounds, for they bear directly on the

birth metaphors in the *Dialogus*. Tacitus will have Aper rework the theme once again: *ipsorum quoque oratorum paucissimi praecepta rhetorum aut philosophorum placita cognoverant* ("only the fewest of those orators themselves had become familiar with the precepts of the rhetoricians or the tenets of the philosophers," 19.4).

[5] Hinds (1998) 4 n. 10 on "intertextual irony."

[6] Exaggerations: Luce (1993a) 20–1; Fantham (1996) 198 and (2004) 321; Levene (2004) 195; relationship to Quintilian: Brink (1989) and (1993). See Chapter 2 for problems in Brink's assessment, and Chapter 7 for a different reading of the intertextual relationship to Quintilian.

interlocutors' contested portrayals of Rome's rhetorical past. Because the *Dialogus* is a broader meditation on *eloquentia* and its connections to oratory, rhetoric, and the dialogue as a form of rhetorical literature, these traces of Cicero will almost always color the work's arguments and its programmatic statements.

At the same time scholarly interpretation of these allusions has largely depended on preconceptions about the *Dialogus*' overall message. Read as a condemnation of imperial oratory, the *Dialogus* seems to mimic the texts of Cicero, to whose values and ideals it inevitably fails to live up. Alternatively one can, as Goldberg (1999) has demonstrated, bring the manipulation of Ciceronian models in line with a defense of contemporary *eloquentia*.[7]

These opposed tendencies are not solely the effects of readerly preconceptions. To suggest, as Tacitus seems to do in the preface, an absolute distinction of the modern age from the age of Cicero through Ciceronian formulations establishes an ironic and inconclusive tension within the work.[8] Ambiguity continues throughout the preface and spills over into the speeches. In response to this puzzle readers have inclined to privilege one of the work's speakers, typically siding with the pessimistic voices of the *Dialogus*, though a (small yet growing) group has emphasized the optimistic tones.

Thus what we might consider to be a narrower problem of interpretive bias more generally reflects, and is perhaps even encouraged by, the contradictory textual composition of the *Dialogus* itself. From its first sentence, the conflict with the past is itself couched in conflicted terms. Despite these complexities (and our impulse to resolve them), it may prove more useful to allow this tension to stand and instead to explore the interpretive openings that it affords. The preface's "productive misinterpretation" of Cicero generates an ambiguity that energizes the argumentative dynamics of the *Dialogus*. It forces the interlocutors to define oratory not only along technical, political, or social lines (as *de Oratore*'s speakers had so splendidly done), but also with a heightened sense of their own situatedness within categories of time and periodization. Allusions in the *Dialogus* reflect a constant awareness of past analyses of *eloquentia*, in both the rhetorical and poetic traditions, to which Tacitus responds via sophisticated intertextual

[7] Goldberg (1999) resuscitates to some extent the function of Antonius' statements, even as *advocatus diaboli*, in *de Oratore* and argues that Aper's similarities to him can be read in a positive light.

[8] Barchiesi (1993) 334 discusses the "dramatic irony" in which "the information that the author shares with the audience tends to create a sort of complicity between them directed against the characters." Here the force of that irony is directed back against the opening query from Fabius Iustus/Tacitus. It disturbs any easy correlation of the inquiry with Tacitus' alleged statement of decline.

citation. The following analysis will be directed mostly at a selection of significant intertextual connections to Cicero's most significant rhetorical treatise, *de Oratore*. The *Dialogus*, as any reader of Cicero quickly learns, is brimming with references to Cicero's dialogues, and the present chapter focuses on those intertexts which signal and define the *Dialogus*' place within the genre of rhetorical dialogue.[9]

Intertextuality and literary dialogue

The interconnections between Tacitus' *aureus libellus* and Cicero's *philosophica* are legion. Nearly every page of the *Dialogus* refers, either explicitly or implicitly, to the dialogues and treatises that Cicero wrote in the traditions of Aristotle and Plato during the 50s and 40s BCE. Yet the range and complexity of allusion still require investigation beyond establishing parallels. More recently discussions have extended their horizons beyond traditional methods, though none has systematically probed the textual interchange.[10] Recent studies of intertextuality – mainly treating Roman poetry – have altered how we think about textual reception and reuse in Latin literature.[11] They also have underscored the vigorous creative capacities of allusion and liberated it from the taint of slavish dependence on earlier models.[12]

These developments are significant for our analysis of the *Dialogus* both in terms of subject matter and interpretive method. At a basic level the criteria for identifying citation have grown more inclusive. Hinds (1998)

[9] Other chapters deal with different aspects of allusion: the Introduction with definitions of deliberative, Chapter 2 with the philosophical dialogues, Chapters 4 and 5 with social definitions of the *orator* and the relationship of *eloquentia* to the civic order, and Chapter 7 with literary criticism and history in the Roman tradition more generally.

[10] Haß-von Reitzenstein's (1970) seminal study, an example of the fruits of diligent *Quellenforschung*, unearthed numerous correspondences of language and especially of dialogue structure. Döpp (1986) briefly demonstrates how the issue might be revisited. Scholars are keenly aware of the complex relationship to Cicero's dialogues but have usually only made passing reference to the issue or in support of different arguments: Luce (1993a) especially 12–13, Allison (1999) and Rutledge (2000) on Plato's dialogues, Goldberg (1999) in discussing the *delatores* and Antonius in *de Oratore*, Mayer (2001) *passim*, Levene (2004) on our expectations for Tacitus to place himself within a literary tradition based on Cicero's tendency to do so, Syson (2009). Rutledge (1996) 42–61 and Gowing (2005) 109–20 discuss the influence of the *Brutus*. Fantham (2004) 319–28 examines the continuation of certain political and social dimensions of *de Oratore* in the *Dialogus*' retrospective reflections.

[11] Fowler (2000) 128 discusses the neglect of prose texts in the study of intertextuality.

[12] I here use allusion and intertext together in a way that seems to ignore the distinction proposed by Hinds (1998) and others (e.g. Laird [2000]), but am still well aware of the (typical) difference in methods between those who use the vocabulary of "allusion" and "intertextuality." In what follows, the language describing citation will remain promiscuous, since no consensus exists concerning a terminological apparatus for textual reuse. Fowler (2000) 117 contains a useful chart outlining the essential differences between traditional allusion and intertextuality.

examined the difficulties inherent in "philological fundamentalism," a designation for the tendency to restrict allusion to the copying of language in a demonstrably recognizable fashion. The shift away from this paradigm towards an awareness of the expansive capabilities of intertextual practice enhances, materially and thematically, the brute findings of traditional methods. For the *Dialogus* whole sets of *topoi*, motifs, conventions, argumentative procedures, and other habits of representation can be traced back to Ciceronian models (among others).[13] Tacitus also leverages structural debts to Cicero's dialogues in order to invest his own work with depth and meaning.[14]

At the level of interpretation we are in a position now to follow different lines of inquiry. New tracks have been laid into the mental hinterland of key literary conventions, with attempts to see *topoi* not as inert categories refusing interpretation, but as productive textual codes closely tied to the negotiation of generic affiliation.[15] Critics have also sought to reinvigorate discussion of imperial poetry by moving away from reductive debates over perceived pro- or anti-principate stances and by pinpointing how these works also reflect or meditate upon broader cultural forces and anxieties. For readers of Roman epic, this New Historicist reunion of text and culture was a means as well to finding a conceptual analogue between the shared obsessions of poet and *princeps*, such as repetition, succession, and paternity.[16] Furthermore, Vergil's vision of epic's limits as coextensive with Rome's empire and history underscores imperial poetry's alertness to the interconnection of textual codes with the vicissitudes of Roman rule.[17] These developments in the interpretation of poetry can and should inform our study of literary dialogue as well.[18]

Fresh avenues of inquiry have spawned new objections. Debate continues over the genesis of meaning in allusions, that is, whether we discover

[13] For types of intertextual citation, see Hinds (1998) and Edmunds (2001) 134.

[14] With an eye to the vast and meaningful structural and thematic correspondences among imperial epics, Hardie (1990 and 1993) has demonstrated the techniques by which the Flavian epigones became not just imitators but "poet-critics" of the *Aeneid*. This line of inquiry can further examination of the *Dialogus*, less so on account of its temporal proximity to these poems (set under Vespasian, composed after Domitian's fall) and more so because Tacitus writes the *Dialogus* with and against Cicero in a manner that, as Hardie (1993 xi) says of the *Aeneid*'s epic successors, "exploited the energies and tensions called up but not finally expended or resolved" in the predecessor.

[15] See Hinds (1998) 34–47, following Barchiesi (1984) and Conte (1986), on *topoi* and *passim* on authorial interventions in the generic alignment of their own work.

[16] Quint (1989) discusses repetition in the *Aeneid* drawing in part on Freudian and narratological models developed partly in Brooks (1984). Cf. Hardie (1993) 35, Barchiesi (1997).

[17] Hinds (1998) 13.

[18] The articles in the spring 2013 issue of *AJPh*, "Intertextuality and its discontents," seek to outline possible directions for the future study of prose intertextuality.

significance through analyses that are subjectivist, textualist, or reader-oriented. To address these problems adequately would exceed the scope of the present chapter, because they go to the core of how authors, texts, and readers produce meaning at all. Challenges (and adherence) to the restrictive tenets of traditional allusion have faded only to be followed by a conflict pitting textualist models reluctant to efface the author entirely against reader-response theories eager to locate interpretation and meaning in the plurality constituted by a community of readers.[19] The heuristic criterion common to either school is that textual redirection should prove significant. This emphasis reverses in some measure the sequential priority of evidence over explanation: a prime mandate for identifying an intertext is its susceptibility to meaningful interpretation.[20]

Scholars have also found common ground in acknowledging the self-referential character of intertextual practice.[21] That metafictional consciousness accompanies literary reference is a particular case of the general phenomenon of the alluding author as critic. In sizing up past texts through reference authors also direct analysis back onto their own imaginative productions. Tacitus was without question an acute and revealing reader of Cicero, spinning for his audience a complex web of implicit and explicit citation. If to allude is to interpret, then appreciation of the affinity between imitation and invention will afford us new perspectives on Tacitus' place within the genre and more generally on the dynamics of the tradition.

If we consider, as Chapter 2 did, the role of intratextual reference, it is clear that interconnections among statements undercut teleological modes of reading dialogue which seek out a "best (i.e. authorial) answer" or "main speaker." Repetitions and re-enactments prompt us to consider anew prior statements or events in a text. For example, Messalla's nostalgia

[19] Hardie (1993) and Hinds (1998) have militated for the need to maintain at least some recognition of the authorial figure: Hardie through reliance on Bloomian agonistic analysis, especially on *The Anxiety of Influence* (cf. 116–19), Hinds through refinement of Conte's (1986) proposal to liberate analysis of allusion from "intersubjectivity" and authorial intention; cf. Conte (1986) 27 and Hinds (1998) 21. Hinds (47–51) addresses the problem of authorial subjectivity and warns against "intertextualist fundamentalism" (48). This openness to the authorial presence can be thought of as part of a cautious resuscitation on various fronts of certain aspects of biographical criticism, for which see Bromwich (1989) 232–46, Epstein (1991), Pease (1995), and Greenblatt (2004); also now Sailor (2008) on Tacitus' biography. Reader-response: Iser (1978), Fish (1980), Martindale (1993), Fowler (2000), Edmunds (2001).

[20] Meaningfulness is one of the two "absolute criteria" for allusion set out at Thomas (1986) 174 (the other being that the poet must be "demonstrably familiar" with the source text – a point not universally accepted); cf. Fowler (2000) 121.

[21] Barchiesi (1993) 333 and Hardie (1993) 36; cf. Feeney (1991) 343 who remarks that Statius' characters "intermittently share their creator's heightened sense of awareness of the history which they inhabit."

for the *tirocinium fori* ("apprenticing," 34.1–2) immediately sends us back to the work's opening (2.1), where Tacitus had already planted the intratextual seeds that will fully bear fruit only in comparison with these later remarks. Continuity between speeches (or sections of the text outside them) is reinforced by parallelism of language and by the careful reworking of key concepts or themes. Similarly, intertextual parallels to earlier texts also complicate the direction of reading by interrupting the linear narrative and paving the way for iterative modes of interpretation more attuned to a work's assiduous revisiting and refinement of actions or claims through internal self-reference.[22] Although these lines of inquiry may be taken for granted in the case of texts traditionally categorized as imaginative literature, their potential application to how we define (and therefore read) the dialogue genre is a critical, if neglected, matter in the scholarship.[23]

Thus, the examination of intertextuality also addresses how the *Dialogus* exposes strategies in Cicero's texts that critics have only just begun to consider seriously. The parallels are not merely slender points of contact, but rather the wholesale replotting of the architecture and representational strategies of a forerunner. In reworking *de Oratore*'s educational model for the *orator*, the *Dialogus* absorbs and rewrites that topic into its reconsideration of *eloquentia*. This systematic rewriting is consciously executed as part of a genre's literary workings. Awareness of these codes and conventions can reposition our analyses away from small-scale comparison of arguments in isolation and towards the large-scale techniques operative within the parameters of ancient dialogue's literary, philosophical, and rhetorical traditions.

The remainder of this chapter will probe the intertextual relationship between the *Dialogus* and *de Oratore*, first addressing the themes of education and cultural acquisition in both works. It then examines the relevance of prose (*de Oratore*) and poetic (Vergil's *Georgics*) models for the *Dialogus*' definition of *eloquentia*. It concludes by considering the succession of (primarily rhetorical) texts on which the *Dialogus* builds in the broader tradition of Greco-Roman literary dialogue.

[22] Wills (1996) meticulously documents small-scale formal repetition in Latin literature. His method could profitably complement analysis of larger structural patternings. Compare also Hardie (1990) 3 on "simultaneous reading" across the *Aeneid* as a process which is "more spatial than temporal." Ibid. 17 n. 1 for bibliography on how epic uses structure as part of its generic self-awareness. Thomas (1986) 182–5 discusses self-reference as a category of allusion. More generally, Sharrock and Morales (2000).

[23] Edmunds (2001) 39–62 on the pitfalls of linear reading. On *de Oratore* see Fantham (2004) 326.

Educating Marcus Aper

Transformations in the study of intertextuality are concurrent with a fundamental re-evaluation of the *Dialogus* and of its place in the history of Roman literature, ancient rhetoric, and imperial culture. The scholarship of late has begun to resuscitate Marcus Aper's role, with the subsidiary conclusion, because of his "modernist" leanings, that the *Dialogus* embodies more than simply a text about imperial oratory's demise.[24] The following arguments are not intended as a defense of Aper's positions *per se* even if they may be read along those lines. More at issue for the present investigation is how the paradoxical portrayal of Aper illuminates the relationship of the *Dialogus* to Cicero's texts. Aper staunchly opposes Ciceronianism and yet discusses and cites Cicero more liberally and deftly than any other interlocutor.[25] This paradox dramatically represents Tacitus' own manipulation of Ciceronian texts, his magisterial awareness of a tradition whose themes and techniques are refashioned to innovative – even programmatic – ends. Three additional claims will be made in this section. First, Tacitus dramatizes the educational model of *de Oratore* through the figure of Marcus Aper. Second, Tacitus does so through a combination of inter- and intratextual reference. Third (and as a consequence of the first two issues), this complex manipulation of textual redirection guides hermeneutic responses to the dialogue's narrative progression, forcing us to read the work synthetically, that is, across the arguments of individual speakers.

The relationship of knowledge to oratorical practice is a dominant theme of *de Oratore*, from Book 1's debate over knowledge of the civil law to Crassus' arguments in favor of broad philosophical learning first adumbrated in Book 1 and then fully expounded in Book 3.[26] The topic lives on in the *Dialogus*, though not solely through Messalla's wistful Ciceronian tirade on education and theoretical training (30.1–33.3). Tacitus addresses the issue obliquely – yet no less significantly – through the portrayal of Aper. Verbal parallels in the preface position Aper vis-à-vis the main interlocutors of *de Oratore*, Antonius and Crassus. Tacitus would eagerly follow around his role models Secundus and Aper:

[24] Champion (1994) and Goldberg (1999) focus in particular on Aper's values both within the rhetorical tradition and in Roman culture more generally. The rehabilitation is only partial: Mayer (2001) and Strunk (2010) toe a traditional line. Dominik (1997b) and (2007) addresses the overlap of Aper's stylistic principles with Tacitean practice. See also Chapters 4 and 5 on Aper's social and aesthetic values.

[25] Again see Döpp (1986), esp. 7–8, 18.

[26] I single out *de Orat*. 1.48–51 (knowledge generally), 1.166–203 (civil law, with Antonius' rebuttal 1.234–55); at 3.19–143 Crassus develops the theme of knowledge at greatest length.

> . . . quamvis maligne plerique opinarentur nec Secundo promptum esse sermonem et Aprum ingenio potius et vi naturae quam institutione et litteris famam eloquentiae consecutum. nam et Secundo purus et pressus et, in quantum satis erat, profluens sermo non defuit, et Aper omni eruditione imbutus contemnebat potius litteras quam nesciebat, tamquam maiorem industriae et laboris gloriam habiturus, si ingenium eius nullis alienarum artium adminiculis inniti videretur.
>
> . . . although a great many unjustly thought that Secundus lacked a ready tongue and that Aper had achieved fame for his eloquence more by his genius and natural talent than by learning and letters. You see, Secundus didn't lack a pure, concise, and (as much as was necessary) free-flowing manner of speech, and Aper, who was grounded in all learning, scorned letters more than he was ignorant of them, on the grounds that he would achieve greater fame for his diligence and hard work, if his talent was not seen to lean upon the props of foreign arts. (2.1–2)

The picture developed here borrows numerous details from the preface of *de Oratore* Book 2:

> Magna nobis pueris, Quinte frater, si memoria tenes, opinio fuit L. Crassum non plus attigisse doctrinae quam quantum prima illa puerili institutione potuisset; M. autem Antonium omnino omnis eruditionis expertem atque ignarum fuisse; erantque multi qui, quamquam non ita se rem habere arbitrarentur, tamen, quo facilius nos incensos studio discendi a doctrina deterrerent, libenter id quod dixi, de illis oratoribus praedicarent.
>
> The predominant opinion in our youth, my brother Quintus, if you remember, was that Lucius Crassus had attained no more learning than what he had gotten in his first boyhood education; as for Marcus Antonius, they said he was entirely devoid and ignorant of any learning. And there were many who, although they could see that this wasn't true, nevertheless would gladly say what I have mentioned about these famed orators in order more easily to deter us from learning, once we had been fired by a passion for knowledge. (2.1)

Tacitus follows Cicero's suit in correcting widespread misconceptions about the prominent orators of his youth. The prevalent opinion (*magna opinio*) concerning the poor education of Antonius and Crassus metamorphosizes into the overly-critical opinion (*maligna opinio*) about Aper and Secundus (*quamvis plerique maligne opinarentur*).

Having dispensed with the detractors, Tacitus reworks the depictions of Antonius and Crassus in order to fashion an amalgam of the two figures in Aper. The claim that Aper *contemnebat potius litteras quam nesciebat* draws on the painting of Crassus: *Crassus non tam existimari vellet non didicisse,*

quam illa despicere ("Crassus wished not so much to be thought not to have studied as to scorn these things," 2.4).[27] Aper's alleged motivation *tamquam maiorem industriae et laboris gloriam habiturus, si ingenium eius nullis alienarum artium adminiculis inniti videretur*, reprises Cicero's characterization of Antonius: *Antonius autem probabiliorem hoc populo orationem fore censebat suam, si omnino didicisse numquam putaretur* ("Antonius, however, reckoned that his speaking would be more believable with the people, if he were thought never to have studied at all," 2.4).[28] Tacitus combines the reluctant poses of *de Oratore*'s main figures, their bashful erudition, in his characterization of Aper.

The ideals underlying this synthesis involve more than mere learning. Broad knowledge was only a partial requirement and one with conceivable pitfalls, an emphasis in both texts. A Roman orator should not flaunt his schooling, although *de Oratore* more obsessively agonizes over its philhellenizing co-option of rhetoric and especially of philosophy as the essential groundwork (*res*) for good style (*verba*). In addition to calculated touches of cultural chauvinism – *Graeculus* ("little Greek") is a favored pejorative in *de Oratore* – *dissimulatio* ("dissembling") was essential to mitigating this concern. Throughout the discussion Antonius feigns ignorance of various fields of Greek culture, although his dissembling is gradually exposed along the way. He is an artist of concealed learning both in his public persona and within the narrative course of *de Oratore*. Antonius' ruse is also Cicero's: through Antonius he dramatizes the covert strategy to embed technical detail within a dizzying array of dialogue technique and Roman social convention.[29]

Tacitus' adaptation of Cicero's blueprint for dissembling may explain in part the scholarly tendency to disparage Aper's educational status (and his character more generally). Furthermore, the tendency to identify a single, main speaker of the *Dialogus* (usually Maternus) has not helped

[27] Further on in the same section, Cicero uses the word *contemnere* to describe Crassus' attitude to letters.

[28] *De Orat*. 2.153 dramatizes the statements from 2.4 when Antonius responds to Catulus: *semper ego existimavi iucundiorem et probabiliorem huic populo oratorem fore, qui primum quam minimam artifici alicuius, deinde nullam Graecarum rerum significationem daret* ("I always thought that an orator would be more pleasing and persuasive for our people, who first of all gave as little indication as possible of any artistry, and secondly, no sign of Greek things").

[29] The importance of *dissimulatio* has also been underestimated in Cicero's *Orator*, in which great stress is laid on the need to employ technical refinements (especially prose rhythm) deftly and sparingly so as to avoid forcing them clumsily upon an audience. See Leeman (1985) on discussion of this strategy at *de Oratore* 2.12–28. Cicero channels this same constellation of ideas about *ars latet arte sua* into an examination of prose rhythm in *Orator*'s polemic against the Atticists. The idea can be found at least as early as Arist. *Rh*. 2.2.4. See also *Rhet. Her*. 4.10 with Calboli (1969) 285–6.

Aper's cause. The similar favoring of Crassus in *de Oratore* has also been interpreted to Aper's detriment. Often likened to Antonius, because each seems to take the position of devil's advocate, Aper has been thought un-Ciceronian and therefore outlandish.

Yet Aper embodies a vigorous continuation and reworking of the educational model outlined in *de Oratore*, a facet of his wide learning brought out by the citation of numerous cultural authorities, especially of Cicero.[30] For example, Aper's second speech contains an evaluation of the rhetorical luminaries of Cicero's era (21–3), a call to incorporate poetic language into prose (20.5), and skilled manipulation of rhetorical and philosophical treatises (the "arid books" of Hermagoras and Apollodorus at 19.3 and borrowings from the *Hortensius* at 16.7 and from the *Brutus* throughout). Aper's Ciceronian pedigree emerges not only from the preface and Aper's speeches; further confirmation arrives from Messalla and Maternus, who corroborate the picture of Aper offered in the *Dialogus*' introduction. At 31.7, Messalla summarizes the learning expected of an orator:

> neque enim sapientem informamus neque Stoicorum comitem, sed eum qui quasdam artes haurire, omnes libare debet. ideoque et iuris civilis scientiam veteres oratores comprehendebant, et grammatica musica geometria imbuebantur.
>
> You see we are not trying to produce a sage or a companion of the Stoics, but rather someone who ought to drink deeply in certain arts and taste all of them. Thus the ancient orators were even knowledgeable in jurisprudence, and grounded in grammar, music, and geometry. (31.7)

The verb *imbuere* and the phrase *omnes* [i.e. *artes*] *libare* echo the introduction, where Tacitus says that Aper is grounded in every form of learning (*omni eruditione imbutus*, 2.2). Messalla's conception of past orators matches and would seem to confirm the erudition Aper is said to possess at the work's outset.

Messalla's remarks also look back to the language and ambience of *de Oratore*. The terms *haurire*, *imbuere*, and *libare* reflect Cicero's frequent use of water metaphors, as in the description of philosophical and technical fields as the sources (*fontes*) from which the orator should draw his knowledge, and other "liquid metaphors" (*rivulus*, *caput*) more generally in *de Oratore*.[31] *Comprehendere* ("to have a hold on," "to embrace")

[30] On the *Brutus* see Rutledge (1996) 42–6, Gowing (2005) 109–20, and Chapter 7. Aper also recognizes that modern audiences, who are alert to philosophical argumentation, demand more from the modern orator (19.3–5).

[31] Fantham (1972) 116 on "liquid metaphors" in Cicero's speeches; on *imbutus* see 151; 151–2 for water metaphors in *de Oratore*. The metaphorical use of *imbuere* goes back at least to Plautus.

repeatedly denotes adequate mastery of a particular area of knowledge (*scientiam*). Likewise, the mention of *ius civile* – even if Messalla exaggerates the prevalence of jurisprudence among the *veteres oratores* – evokes the central debate over the civil law in Book 1 of *de Oratore* (1.166–203; 1.234–55). Furthermore, Messalla's distancing of the orator from the philosopher repeats Cicero's insistence on the orator's autonomous status in the face of acquiring knowledge. The aim was not to become a devotee of philosophy but rather to subordinate it to oratorical practice. In Book 1 of *de Oratore*, for example, Antonius had underscored the need to know many things (*multa*) while still maintaining distance from that knowledge: *neque ea ut sua possedisse sed ut aliena libasse* ("not to own these things as one's own property, but to try them as someone else's," 1.218).[32]

Maternus' brief remarks between Aper's second speech and Messalla's first speech will provide additional confirmation:

> adgnoscitisne . . . vim et ardorem Apri nostri? quo torrente, quo impetu saeculum nostrum defendit! quam copiose ac varie vexavit antiquos! quanto non solum ingenio ac spiritu, sed etiam eruditione et arte ab ipsis mutuatus est per quae mox ipsos incesseret! tuum tamen, Messalla, promissum immutasse non debet.[33]
>
> Don't you recognize the force and spirit of our Aper? With what surge, what enthusiasm did he defend our age. How fully and with what versatility did he harass the ancients! He showed not only genius and liveliness but even learning and artistry, borrowing from those very men the means with which to attack them! Still, your promised task shouldn't have changed, Messalla. (24.1–2)

Maternus draws attention to Aper's *eruditio et ars* and underlines his recourse to arguments from Cicero. As with Messalla's comments (cited above), intratextual confirmation simultaneously takes us back to Cicero. The characterization of Aper's speech using the words *copiose ac varie* stems from *de Oratore*, where it indicates the need to speak eloquently and fully about any subject.[34] Cicero writes: *oratorem plenum atque perfectum esse eum qui de omnibus rebus possit copiose varieque dicere* ("a fulfilled and perfect orator is the man who can speak fully and with variety on all matters,"

[32] Cicero asserts a claim on the intellectual property that has been usurped by the philosophers, as Crassus argues in Book 3 (e.g. 3.108, 122–3; the playfulness with legal terminology there reprises Antonius' remark).

[33] Mayer (2001) 166 notes the colloquial use of *–ne* for *nonne*: "seeming to ask an open question, when really the affirmative answer is expected."

[34] Cf. *de Oratore* 3.80 for the genealogy of the idea: Aristotle (*in utramque sententiam*) and Arcesilaus and Carneades (*contra omne quod propositum sit*).

de Orat. 1.59). Maternus at 24.1 may seem to be leaving part of Cicero's fuller ideal out, in that he does not explicitly state that Aper could speak on any issue, although the words *copiose ac varie* would seem to suggest that ability. Messalla includes this aspect in his ensuing definition, which closely reprises the wording and syntax from Cicero: *is est orator, qui de omni quaestione pulchre et ornate et ad persuadendum apte dicere . . . possit* ("that man is an orator, who can speak on every matter pleasingly and with adornment in a manner fit for persuading," 30.5) and *copiose et varie et ornate . . . dicere* ("to speak fully, with variety, and with ornament," 31.2). Additionally, the interlocutors' repeated (but never confirmed) claim that Aper argues *in utramque partem* touches on a key requirement from *de Oratore*, namely, to argue any side of an issue in the traditions of Aristotle and of Academic Skepticism. In summary, the intertextual modeling of Aper on the figures of Antonius and Crassus is accompanied by intratextual confirmation from Maternus and Messalla, statements which themselves draw heavily from Cicero's dialogues.[35]

We have in this particular case an intratextual patchwork of intertextual components. These textual hybrids create an opening for understanding the allusions to Cicero in conjunction with one another, that is, that we can also read them "horizontally," in the same manner as cross-references that are strictly internal to a single text. A network of statements verifies Aper's fulfillment of the major requirements for the *summus orator*: broad learning, its dissimulation, and its application to different contexts in the appropriate manner. Through an interconnected set of discrete statements reflecting back on Aper the dialogue re-enacts the larger argumentative dynamics of *de Oratore*, of its inquisitive push and pull in determining what kind and how much knowledge an orator needs as well as how to employ and to display one's erudition in the appropriate manner.

Maternus' response not only confirms an educational model, it also calls attention to Aper's argumentative strategies and to the *Dialogus*' textualist culture. In criticizing the *antiqui*, Aper borrows (*mutuari*) from them (especially Cicero) to defend the modern age. This explicit awareness of a tradition reveals itself less overtly in Maternus' language. His remarks are so overlaid with verbal and ambient echoes of Ciceronian dialogue – not to mention metatextual commentary on that background – as to call for some unpacking.

[35] Maternus is demonstratively alert to Aper's Ciceronian techniques – a metatextual aspect discussed below.

Starting with *adgnoscitisne* ("don't you acknowledge/recognize . . . ?"), Tacitus channels Ciceronian phrases and ideas through Maternus. Commentators have noted Catulus' similar praise for Antonius' discussion of *memoria* at *de Oratore* 2.362: *humanitatem et facilitatem agnoscimus tuam* ("we recognize your cultured and capable nature"). Maternus' question exemplifies a frequent if unappreciated dialogue technique in which the reaction of an interlocutor dramatizes our own responses as readers. Embedded evaluations provide hermeneutic guidance. These covert prompts can prove to be as valuable as more explicit authorial commentary.[36]

In this passage of the *Dialogus* two dimensions come to bear on our reading: we interpret Aper's speech in the context of the immediate narrative and, secondly, we evaluate Maternus' response in intertextual terms. As an intertextual marker *adgnoscere* possesses a distinctly self-referential character, a form of "allusion troped as recognition" (Hinds [1998] 9).[37] But what is meant by Tacitus' reprising of *agnoscere*: simple acknowledgment of Aper's speaking abilities, or does it also point to the setting of *de Oratore* and even to our own ability to recognize that background? The comment establishes a parallel between Maternus and Catulus, but it also indicates a dialogue scenario, a prompt to *remember* Antonius' disquisition on *memoria*.[38]

In the sentences that follow, Tacitus superimposes a second dialogue reaction from *de Oratore* onto Maternus' exclamation: *adgnoscitisne . . . vim et ardorem Apri nostri? quo torrente, quo impetu saeculum nostrum defendit! quam copiose ac varie vexavit antiquos!* (quoted above). He cites Catulus' response to Crassus at *de Oratore* 3.126: *quantam rerum varietatem, quantam vim, quantam copiam, Crassus, complexus es* ("What variety of material, what forceful capacity, what abundance you have attained, Crassus!"). Note the appearance in both passages of *vis*, *varietas*, and *copia* (or their corresponding adverbs) as well as exclamatory adjectives in *qu-*. We might be tempted to regard these sources as if in competition with one another, but both depict Catulus' reactions to the conclusion of significant speeches, one by Antonius in Book 2 and one by Crassus in Book 3. Read together the allusions reinforce the composite image of Aper as "Antonius-Crassus,"

[36] Thus, the interlocutors' responses at 3.146 to Crassus' long speech present a form of implicit interpretation that is just as significant as, for example, Cicero's open predilection for Balbus' Stoic position at the close of *de Natura Deorum*.

[37] Compare Hinds (1998) 10 on the category of "allusive self-annotation" or "reflexive annotation" as well as on the meaning of *agnoscere* in Lucan's modeling of Pompey's headless trunk on that of Priam in the *Aeneid*.

[38] In poetry, terms designating memory, such as *memini*, have a considerable self-reflexive intertextual function; cf. Conte (1986) and Hinds (1998).

repeating the fusion first announced in the *Dialogus*' preface. The double parallels in turn sharpen the suggestive force of *adgnoscere* for the recipient: will we recognize Aper and Maternus along with *both* their sources, the simultaneous rerun of two dialogue scenarios?

Thus the statement *copiose ac varie vexavit antiquos* anticipates the subsequent claim that Aper "borrows" from the ancients in criticizing them, itself a metatextual revelation of Tacitus' citation of Cicero's texts. *Mutuari* is the key term and it will prove useful to define all that is hidden beneath Maternus' statements, for they conceal allusions to the programmatic examination of acquiring knowledge that was essential to *de Oratore*'s definition of the *orator*. Tacitus reworks this Ciceronian topic within the *Dialogus*' own textual and historical perspectives. From these renovations, the following section will argue, emerges an explanation of the cultural basis of imperial *eloquentia* and, through the metatextual character of the statements, a commentary on intertextual practice in the *Dialogus*.

Patterns of continuation and completion

On the surface, Maternus points out Aper's seemingly paradoxical use of Cicero: "Maternus urbanely rallies him for owing quite a bit after all to the orators of old, with whose works he had indeed shown himself well acquainted."[39] The significance, however, lies in Maternus' disclosure of Aper's allusions and acquaintance with the texts of the *antiqui*. The term *mutuari* refers to a programmatic Ciceronian category that describes the process of "borrowing" from other fields.[40] *De Oratore* polemically claims universal cultural competence as a prerequisite for speaking appropriately on any issue, and to this end Cicero has Crassus criticize Plato's separation of rhetoric from philosophy in Book 3. An orator should incorporate knowledge from all areas, naturally from philosophy but also conceivably from others, such as the civil law or history. Individual restraint tempered this far-reaching injunction: the interlocutors repeatedly insist that one should not *become* a philosopher but rather acquire as much knowledge as necessary in order to address any topic.

At issue in the *Dialogus* is not simply the reuse of Cicero, but a deeper and more sophisticated awareness of his textual strategies. It is no coincidence that Maternus echoes Catulus' response (*de Oratore* 3.126, cited above) to a

[39] Mayer (2001) 167.

[40] His chief terms are *communicare/-i*, *mutuare/-i*, and *sumere*: *mutuo* (1.55, 1.224) *mutuetur a Platone* (1.224), 1.256, 3.72 *mutuarentur* (philosophers and orators mutually borrowing; ibid. also the term *haurire*); 3.108 *mutuemur* (from philosophers).

speech in which Crassus has just decried the separation of philosophy from rhetoric and has proposed that orators should take back from philosophers their rightful property – the polemical culmination of the work's intensive examination of acquiring knowledge. Tacitus directs us back to *de Oratore* with verbal echoes, parallel scenes, and explicit mention of the texts of the *antiqui*. By meaningfully copying Catulus' reaction to Crassus and then backing up that response with a term denoting borrowing from other *artes*, he contextualizes Maternus' comments within this Ciceronian topic and invites comparison of the theme in both texts.

Tacitus copies not simply an ideal, but a complex textual strategy from *de Oratore*. Analysis of the process reveals at a broader level the *Dialogus*' relationship to *de Oratore*'s cultural model. Tacitus adapts the technique of "borrowing" but includes modifications which are in line with modern cultural and aesthetic habits. In reworking Cicero's blueprint Tacitus sheds light on a string of cultural developments that influenced imperial oratory. He does not reject *de Oratore*'s values, but rather recontextualizes them within the various analyses set out in the *Dialogus*. We need not understand this textual strategy through inert concepts like "taking" or "copying" with their connotations of dependency and derivative reuse. Cicero's vision of the *orator*, many scholars have noted, made Cicero its logical endpoint. Yet, however insistently texts such as *de Oratore*, *Brutus*, and *Orator* direct us to Cicero's achievements, the teleology is also evolutionary and hence still open to revision. Authors in that tradition, such as Tacitus, could find there not only a static model of an oratorical ideal, but also "an open-ended invitation . . . to revise and redefine."[41] Imitating Cicero's procedures completes certain aspects of his models while allowing room for continuation of the latent potential of those texts. Ultimately Cicero's works are pressed into the service of explaining the influence of cultural developments on the aesthetic values of the imperial period.

De Oratore promotes philosophy as the major source of knowledge for the orator (an emphasis reiterated in Messalla's speeches and exemplified in Aper's). In the near century and a half that separate *de Oratore* from *Dialogus* attitudes towards philosophy changed considerably. Aper, for example, predicates his aetiology of modern stylistic norms in part upon the claim that philosophy has been thoroughly absorbed into the mainstream of cultural knowledge:

> si quis odoratus philosophiam videretur et ex ea locum aliquem orationi suae insereret, in caelum laudibus ferebatur. nec mirum; erant enim haec nova et

[41] Hardie (1993) 3 on post-Vergilian epicists.

> incognita, et ipsorum quoque oratorum paucissimi praecepta rhetorum aut philosophorum placita cognoverant. at hercule pervulgatis iam omnibus, cum vix in corona quisquam assistat, quin elementis studiorum, etsi non instructus, at certe imbutus sit, novis et exquisitis eloquentiae itineribus opus est.
>
> If someone [i.e. among the ancients] seemed to have gotten a whiff of philosophy and incorporated some commonplace from it into his speech, he was praised to the sky. No wonder: these things were new and unknown and only the fewest (*paucissimi*) of those orators themselves had become familiar with the precepts of the rhetoricians or the tenets of the philosophers. By Hercules these things are all hackneyed now, since you can hardly stand around the edge of the courtroom without becoming at least grounded (*imbutus*) in the rudiments of these fields of study – even if you may not become fully equipped (*instructus*) in them; there's a need for new and select paths of eloquence. (19.3–5)

Imperial oratory includes philosophy as a standard element of the orator's education (the term *imbutus* is reminiscent of the Tacitus' portrayal of Aper). As Tacitus and the other interlocutors reveal for us Aper's relationship to philosophy, so does Aper detail those elements as part of the learned world outside the text. What was, for Cicero, a polemical affirmation of the need for philosophy is now accepted as par for the course. A cultural difference is also perceptible in the distinct stances towards philosophy in *de Oratore* and the *Dialogus*. The acceptance of philosophy as a staple of Roman imperial tuition can explain the absence in the *Dialogus* of the obsessive unease at appearing overly fond of Greek culture, a concern that quite to the contrary punctuates *de Oratore*'s conversations. In the *Dialogus*, we no longer witness dissimulating philhellenes who garner philosophical knowledge on the sly or in the course of their provincial charges as the interlocutors of *de Oratore* had done nearly two centuries earlier. Imperial oratory takes for granted what could still be represented as a contentious subject for a republican audience. In this respect the *Dialogus* documents the fulfillment of a Ciceronian ideal at a broader cultural level.[42]

How much attitudes had changed is evident when comparing Aper's description above of the Roman courts as a "source" of philosophy to Antonius' adamant but reserved attitude to eavesdropping on Greek philosophers:

[42] See, for example, *de Orat.* 2.153 and 3.75 (both quoted below). Fairweather (1981) 259, in discussing this passage of the *Dialogus*, remarks that audience sophistication and cultural circumstances engendered changes in oratorical practice.

> existimavi pecudis esse, non hominis . . . non admovere aurem et, si palam audire eos non auderes, ne minueres apud tuos civis auctoritatem tuam, subauscultando tamen excipere voces eorum et procul quid narrarent attendere. itaque feci, Catule, et istorum omnium summatim causas et genera ipsa gustavi.
>
> I consider it the mark of a beast, not a man, not to prick up your ears and, even if you don't dare to listen to them [i.e. Greek philosophers] openly for fear of diminishing your prestige among your fellow-citizens, at least eavesdrop on them and hear what they have to say from a distance. That's what I did, Catulus, and I got a taste of the chief subjects of all of them. (*de Orat*. 2.153)

Aural reception of philosophy in both passages is remarkably similar, but the cultural stigma surfaces only in *de Oratore*, which asserts that the association with Greek philosophy could impair one's public standing (*auctoritas*). Compare this with Crassus' similar statement in Book 3: *sitiens istarum artium . . . gustavi, quaestor in Asia cum essem* (*de Orat*. 3.75). "When I was quaestor in Asia I was thirsty for and tasted these arts." Crassus confirms Antonius' attitude, but does so from an insulated position as a participant in Rome's administrative hierarchy. In the *Dialogus* philosophical knowledge has been sanitized and Romanized, moved to the forum and removed from the taint of effete foreigners or those wallowing in countryside *otium*.[43]

Maternus' response to Aper's speech also reminds us that allusion to literary forebears, especially to Cicero, has now been incorporated into the dynamics of "borrowing." What at first seems to be the simple repetition of a Ciceronian category – Maternus on the surface draws attention to it as a rhetorical counterattack against Aper – ultimately entails a redefinition of Cicero's texts as cultural resources.[44] They too have become part of the cultural storehouse for the imperial orator. Thus, at the metatextual level we can also regard this broader process of borrowing as including intertextual citation within its purview.[45]

[43] This can help to explain the works' different settings: such discussions no longer take place at a Tusculan villa, but at Maternus' house in Rome.

[44] Minucius Felix, *Octavius* 39 imitates the passage in a way that underscores its innovative and programmatic aspects.

[45] That process establishes a dynamic relationship between the two texts. Hence intertextual appropriation can also introduce fundamental changes into the model – not simply a passive act of borrowing but a strategic act of transformation. This idea would seem to be reinforced by Maternus' explanatory pun at 24.1–2 between *mutuari* ("to borrow") and *immutasse* ("to change"): *quanto non solum ingenio ac spiritu, sed etiam eruditione et arte ab ipsis mutuatus est per quae mox ipsos incesseret! tuum tamen, Messalla, promissum immutasse non debet*. The pun suggests that borrowing can be understood as a kind of change, a verbal reflection of the transformative strategies of intertextuality.

By reworking *de Oratore*'s procedure of borrowing from other fields, the *Dialogus* documents the transposition and transformation of *the* central problem of *de Oratore*: how to acquire knowledge from a wide range of different areas. Even so this issue is not the chief business of the *Dialogus*, which acknowledges and refashions the topic within its own horizons before moving on to address a distinct set of concerns. *De Oratore* is put into the service of elucidating cultural and aesthetic shifts.[46] The *Dialogus*' voracious allusions absorb the strategies of its predecessor, remodeling *de Oratore*'s procedures to suit its own designs.

On the question of philosophy the *Dialogus* demonstrates the completion of a Ciceronian model. The central agenda of *de Oratore* is brought to fruition in the cultural world of the *Dialogus*. At the same time, Tacitus does not solely complete the terms outlined by Cicero. There remains the possibility that emphases not fully anticipated in the predecessors now compete for attention in the discussion of oratory. Along with terseness of expression (*brevitas*) and well-placed *sententiae*, poetry has become a key element in the *Dialogus*' expansive understanding of *eloquentia*.

Pervulgatis iam omnibus

To be sure Cicero did not entirely overlook the poets. *De Oratore* notes that the orator must read them: *legendi etiam poetae* (1.158). Even so, poetry achieves greater prominence in imperial rhetorical texts. Seneca the Elder well documents its importance for rhetoric. The declaimers' citation of poets enhanced their public performances, symbolized perhaps by Ovid's cameo role there. For Quintilian both Greek and Latin poets comprised a staple in the canonical reading lists (and stood at the front of those lists): *Inst*. 10.1.46–75 (Greek poets) and 10.1.85–100 (Latin poets). The *Dialogus* gives poetry a programmatic push; the *nova et exquisita eloquentiae itinera* for which Aper militates soon become clear: *exigitur enim iam ab oratore etiam poeticus decor* ("You see nowadays even poetic adornment is required of the orator," 20.5).[47] Note also the similar phraseology in *de Oratore* and the *Dialogus*: *etiam poetae* and *etiam poeticus*. The potential contrast in these formal reverberations is sharpened by the distinct emphases lent by *etiam* in each case: in Cicero it is a concessive add on, whereas Tacitus

[46] This point should be read against the tendency to treat *de Oratore* as a kind of "master text" for the *Dialogus*.

[47] Mayer (2001) 152–3 notes "the increasing use of poetic language and even syntax in the prose of the Early Principate is indeed remarkable . . . from Aper's remark we learn that is was a deliberate choice."

exhorts the reader to embrace poetry. The image of the *itinera* adds to the poetic ambience of Aper's claims. It picks up on a standard trope of poetic self-assertion, in which the poet *qua* charioteer needs to find room for his own poetic ventures among an already crowded field of competitors or to avoid well-traveled paths. More specifically, the use of *itinera* may continue to call to mind Vergil's *Georgics* in which the term *via* appears at 3.8 just after the phrase *omnia iam vulgata* at 3.6. Aper's claim goes unchallenged and in the course of the work it becomes apparent that poetry has succeeded philosophy as the polemical cultural prerequisite for the *orator*.[48]

At *Dialogus* 19.5 (quoted above) Aper remarks: *pervulgatis iam omnibus*. The phrase cites both Vergil and Cicero, an allusive mixture that exemplifies the *Dialogus*' interconnection of poetry and rhetoric. Among the sources are: 1) Vergil's *Georgics* 3.4 *omnia iam vulgata* ("all things are already divulged/conventional"); and 2) Cicero's *de Oratore*, in which handbook-like topics are twice criticized with the term *pervulgatus*. At 2.75 Catulus notes the *pervulgata praecepta* ("hackneyed precepts") of unrealistic Greeks (in reference to the Peripatetic philosopher Phormio, who once declaimed before Hannibal on the art of war without any first-hand knowledge). In response to Sulpicius' express interest in stylistic ornament, Crassus dubs the precepts of rhetorical distinction (*ornatus*) as *pervulgatas res* ("hackneyed matters," 3.148).[49]

At the strictly formal level *pervulgatis iam omnibus* may evince a greater affinity to Vergil's *Georgics*. Still, the relative rarity of *pervulgatus* and especially in Cicero's *oeuvre* points us back to *de Oratore*.[50] The parallelism is strengthened by the context of Crassus' response to Sulpicius at 3.148.

[48] This can also help us to rethink strategies for understanding the first debate's relevance to the work more generally. If read synthetically, there emerges not merely debate for or against poetry or oratory, but a redefinition of *eloquentia* that includes all forms of skilled speech regardless of genre. And, of course, the parallelism with *de Oratore* cannot be overlooked: both poetry in the first debate of the *Dialogus* and civil law in the first book of *de Oratore* constitute innovative fields within expanded conceptions of *eloquentia*.

[49] In dialogues Cicero uses the term rarely outside of *de Oratore*, save a few instances in the early *de Inventione* (mostly the verb *pervulgare/-ari*). At *Orat*. 147 it has a different sense (*pervulgatissimus versus* "particularly well-known line"). Even in *de Oratore* the adjective is uncommon (2.75, 2.358, 3.51, and 3.148). The focus on hackneyed precepts or ideas from the rhetorical tradition is brought out most pointedly at 2.75 and especially at 3.148. Cf. *TLL* x.1.1892.13–1893.68 [Schröder, 2000].

[50] Although I cannot discuss the passage here in any depth, Pliny in discussing his *Panegyricus* states: *nota vulgata dicta sunt omnia* ("everything is already known, hackneyed, and said," *Ep*. 3.13.2). Pliny, with his own twist, reworks a well-worn *topos* about using well-worn language and thought. It is important to note that this is the first significant discussion of imperial prose panegyric, and that the *topos* is used to signal that the author's potentially innovative project. Pliny's statement is not a pessimistic assertion of the impossibility of being original, but rather a calculated appeal to a *topos* that signals to the reader his programmatic intent. Compare the similar programmatic scope of *angustiae*, discussed below.

Crassus polemically argues against received definitions of oratorical adornment. He promotes style (*verba*) with an underlying basis of wide learning (*res*) and dismisses rote precepts as hackneyed matters (*pervulgata*) unworthy of the truly learned *orator*. Aper does not so much reject as enhance this definition of philosophically informed oratory when he pleads for poetic adornment to provide additional splendor (*nitor*). Given the similar contexts, and especially the emphasis on philosophy, the Ciceronian passage would also seem to stake a compelling claim as a textual forerunner.

Thus, the passages from Vergil and Cicero both provide a coherent background against which to interpret Aper's remark. Each occurs in a programmatic context that emphasizes the need to eschew conventional methods. Each discounts the *status quo* and offers a new vision of its *ars*. The statements both acknowledge a tradition while carefully distancing the speaker from total acceptance of it. Cicero trumpets a redefinition of philosophically alert *eloquentia* that draws on the handbook and tradition as it carefully pinpoints limitations. The passage from the *Georgics* is Vergil's "most extensive and most complex programmatic statement," engaging with Alexandrian and neoteric subjects while suggesting shortcomings.[51] Each reference contributes to Aper's claim by placing it under the auspices of a like-minded literary authority who simultaneously accepts and denies the validity of past models. Thus, parallelism of context and wording direct us to both sources.

Still, when considering these possibilities we may feel tempted to consider giving more weight to one source over the other. In instances of multiple allusions interpreters have tended to emphasize one of the two models or to regard their conflation as a problem. As Hinds (1998) 142 remarks: "'[f]aced with a text which engages simultaneously with two prior texts, orthodox allusive criticism speaks of the alluding author as 'contaminating' the two model texts. What tends to be deadened in such a description is, precisely, the *dynamic* involved in any such appropriation." In the case of *pervulgatis iam omnibus* the interaction of the source texts provides a compelling background against which to read Aper's redefinition of *eloquentia* as a mixture of oratory and poetry.

The dynamic (returning to Hinds' term) contains at least two dimensions. In one sense recourse to Vergil could be thought of as a challenge to

[51] Thomas (1988) II.36. At II.38 Thomas remarks that *Georgics* 3.6 entails "an implicit rejection of the themes and genres (but not the manner . . .) of Alexandrian and neoteric poetry" and that "only the themes of Callimachus are to be rejected" ([1988] II.40). In Tacitus' case we can fruitfully compare his famous statement: *nobis in arto et inglorius labor* ("my work is confined and lacks glory," *Ann.* 4.32.1). Marincola (1999) on Tacitus' programmatic pessimism.

Cicero. Vergil (and other imperial poets) represents an oratorical resource unavailable to Cicero, but nonetheless mandated by the expectations of contemporary audiences. Such an interpretation would fit well into an agonistic scheme in which authors mobilize allusions to challenge the inertia of a tradition. In this sense we can think of the citations of Horace, Ovid, and Vergil as an implicit challenge to the aesthetic preferences of the late-republican orators who had not read these poets. At the same time, Cicero's rhetorical values are surely not rejected in the *Dialogus*, even by Aper, who sets his sights much more on parochial Ciceronianism. Aper seeks to open up the strictures on *eloquentia* to the contributions of poetic language.

Hence this dynamic involves the "contamination" of the two model texts (to touch on another key term in Hinds' discussion). However it will be necessary to emphasize the positive implications of the textual promiscuity in the phrase *pervulgatis iam omnibus*. Although Hinds (rightly) questions the assumptions underlying contamination as a classification of multiple simultaneous allusions, the idea aptly defines how Tacitus mixes the language of Cicero and Vergil. Contamination *is* the point, but one that ultimately bears on how to define modern oratory by thinking of the genres that influence it. By appropriating statements that originally occurred in programmatic (re)definitions of an *ars* – Vergil on poetry and Cicero on oratory – Tacitus marks their authors as authors of a specific genre: we are not just sent back to Vergil's *Georgics* or Cicero's *de Oratore*, but to moments in those texts in which we see Vergil *as* a poet and Cicero *as* an orator. Tacitus has chosen intertexts that emphasize the engagement with inherited subject matter and conventions; both forerunners emerge as innovative exponents of distinct traditions.[52]

Tacitus relies on a dual genealogy of influence in which two genres contribute to the production of *eloquentia*. We are not, by way of contrast, presented with the genealogical conventions of just one *ars*, in which an author refers back to an entire lineage of past authors in a single tradition and thereby aligns himself squarely within that tradition. This generic affiliation arises, for example, in the *topos*-like citation of two or more predecessors within one (relatively) unified literary system – such as Persius citing Ovid citing Vergil citing Homer on the "many mouths" *topos* of epic poetry. In that case, the codes from which an author draws in order to claim allegiance to a genre are clear, even if such declarations are sophisticated

[52] Cf. Barchiesi (1993) 352: "Allusions always focus on individual models but, to some extent, every allusive text makes also some broader reflexive statement: 'I am poetry', or 'fiction', or 'I belong in a tradition.'"

and potentially agonistic in their own right. One could just as well imagine Tacitus alluding exclusively to Cicero's definitions of oratory which in turn cite Plato's *Gorgias* and *Phaedrus*, the texts of Isocrates, and Aristotle's *Rhetoric*. In this imagined case the chain of references would establish a clearer ancestry along rhetorical lines.[53]

Instead, the confluence of two sources corrupts the literary genealogy. Tacitus emphatically redirects us to the putative distinction of poetry from oratory only to collapse that distinction by a mixed allusion. The combination is reinforced by Aper's claim that both philosophically informed oratory *and* poetry are required by modern audiences: not just *ornatus* but also *nitor*. Each source text represents a distinct genre whose significance for modern style only becomes fully evident by juxtaposition in intertextual contamination, enacting the values for which Aper argues. Tacitus self-consciously and unabashedly redefines *eloquentia* by aligning it with a double lineage of assertions about what constitutes his *ars*.

Fighting with the past I: intertextuality and literary system

The correspondences discussed thus far have emphasized the perils of divorcing intertextuality from readings of the *Dialogus*. To understand its arguments fully requires thinking about how the Ciceronian intertexts are operative throughout the work. In retrospect it may seem as if Tacitus turned to Cicero's *oeuvre* as the natural precursor after which to fashion the *Dialogus*. But that appearance can conceal the choices Tacitus made from among a diverse group of texts or even suggest the inevitability of those choices.[54]

One can instead emphasize the assiduity with which allusions can simultaneously engage strategies of completion and of antagonism towards a particular forerunner, without ever being fully one or the other.[55] The balance between these two habits of emulation and refashioning is essential to defining intertextual practice. This tension discloses layers of meaning

[53] Compare Barchiesi (1993) 362 arguing for "a genealogical dimension in allusive art" among Augustan poets.

[54] Plato in Hirzel (1895) II.47–61 (*passim*); Egermann (1935) on *Gorgias*; Allison (1999) and Rutledge (2000) on *Symposium*; Köstermann (1930) on *de Republica*; Mayer (2001) 140 on *Hortensius*; see Chapter 7 on Tacitus' intertextual engagement with literary history and criticism in Cicero's *Brutus*, Horace, and Quintilian.

[55] The obvious analogy would be Lucan's relationship to Vergil, in which engagement means anything but dependency. Tacitus can also play Cicero's works off one another. For example, through mixed allusions he can subject ostensibly univocal texts such as *de Oratore* or *Orator* to the open-ended skepticism of a work such as *de Natura Deorum*, where Cicero refuses to support any position without some reservations.

in the models that can be exploited for the sake of textual production (and reproduction) by later authors – just as it opens up a horizon for possible and even contrary interpretations for the critic. The distinction of author from analyst had already been rendered invalid by the "Alexandrian poet-critic," and this connection is equally valid for analysis of intertextuality in Latin prose. Tacitus demonstrates that allusion involves interpretation and further that imitation has a powerful creative force that far exceeds the copying of prior models.

This all suggests an inherent fallacy in thinking of Tacitus' relationship to Cicero's texts through the dichotomy "refractory versus subservient." That disjunctive choice requires a chain of assumptions about literary production that is foreign to Roman practice: difference means originality, which in turn implies independence and only then the possibility of equality or superiority in relation to one's forerunners. That may explain in part the reusability of texts, but elides key aspects of the broader dynamics.[56] Aper's reworking of Ciceronian categories amply demonstrates how textual reuse "can be simultaneously an appropriation and a denial."[57] He cites, for example, Cicero's works to justify the evolution of rhetorical values:

> non esse unum eloquentiae vultum, sed <in> illis quoque quos vocatis antiquos plures species deprehendi, nec statim deterius esse quod diversum est.
>
> Eloquence doesn't have one look alone, but even among those whom you dub ancients many sorts are found; what's different isn't automatically worse. (18.3)

The validity of more than one style is a fundamentally Ciceronian observation: *cum tanta sit inter oratores bonos dissimilitudo* ("since so much diversity exists among good orators," *Orat.* 2; cf. *de Orat.* 3.34). Cicero also demonstrated in *Brutus*' catalogue of orators that practices change over time. Similarly, Aper would remark: *mutari cum temporibus formas quoque et genera dicendi* ("even the kinds and styles of speaking are changed along with circumstances," 18.2).[58] This continuation of Cicero's evolutionary model allows Aper to suggest the modern era's superiority, in particular when he adopts ideas about literary development to fashion a new teleology and move its endpoint into the present (or beyond).[59] Hence being "modern"

[56] Fowler (2000) 121 on the "dialectic between resemblance and difference." Cf. Hardie (1990) 5.
[57] Hinds (1998) 55, discussing Roman poetry but certainly applicable more broadly.
[58] Cf. 19.2. At 25.4 Messalla takes issue with Aper's conclusions but nonetheless concedes the underlying claim.
[59] Chapter 7 discusses the different models of literary history in the *Dialogus*.

may in fact be inherently "Ciceronian" and the inclination to judge imperial *eloquentia* as coequal with Cicero's cannot be said to be entirely agonistic, even when it seems to indulge that impulse. However strident the *Dialogus*' assertions of superiority, they are constantly dampened by recourse to Cicero's strategies, never endorsing or repudiating fully his claims. The ultra-modern can also be viewed as a reincarnation of the past. This is not to deny Tacitus' assertions force, but rather to underscore their continuity within the parameters of a coherent literary system of rhetorical texts.

Fighting with the past II: definitions and limits

The refusal to define rhetoric as an *ars* reflects Cicero's tenacity in promoting an all-encompassing view of the trade. He took his cue in a manner from Aristotle's claims that rhetoric, like dialectic, was a general rather than a specialized kind of knowledge. Even if Aristotle still allows rhetoric the status of an art – unlike Plato before him and Cicero after him – he makes clear that specific technical knowledge does not delimit it (*Rh*. 1.1.1, 1.1.14, 1.2.1, 1.2.7).[60] Rhetoric consists of the faculty to see the potentially persuasive in a given situation or set of facts.

In its first grand version at Rome, Cicero's imperialistic conception of oratory staked a claim for the craft as a claim upon the whole world. These broad sympathies are not a constant of oratorical history or the rhetorical art, but a conscious and revealing literary choice in response to his predecessors. Even a reading in the best faith cannot overlook his brazen repudiation of Socrates' insistence on defining the art of rhetoric in the *Gorgias* or Aristotle's casual (albeit polemical) reply to the *Gorgias* that rhetoric must be a *techne*. Unlike Plato, Cicero sheds *elenchus* in favor of persuasive strategies and cultural chauvinism, which free him up to employ rhetorical rather than dialectical arguments. He sidesteps the problem of the ignorance of a Gorgias, a Polus, and a Callicles, or further, of the ultimate aporia concerning the rhetorical craft. Cicero inverts the Platonic problem and makes it a positive feature: indefinability becomes the marker of the greatness of oratory as it would come to emblematize the greatness of Rome's boundless rule (*imperium sine fine*).

[60] The opening sentence expands the limits of rhetoric, asserting that all men have access to it and that no specific kind of knowledge set limits on it: ἡ ῥητορικὴ ἐστιν ἀντίστροφος τῇ διαλεκτικῇ: ἀμφότεραι γὰρ περὶ τοιούτων τινῶν εἶσιν ἃ κοινὰ τρόπον τινὰ ἁπάντων ἐστὶ γνωρίζειν καὶ οὐδεμιᾶς ἐπιστήμης ἀφωρισμένης: διὸ καὶ πάντες τρόπον τινὰ μετέχουσιν ἀμφοῖν. Compare the use of ἀφορίζομαι at 1.1.14. Aristotle goes on in 1.3 to argue that other versions of rhetoric are too limited because they ignore the 'body' of rhetorical proof, namely the use of enthymemes: οἱ δὲ περὶ μὲν ἐνθυμημάτων οὐδὲν λέγουσιν, ὅπερ ἐστὶ σῶμα τῆς πίστεως.

Like Rome, oratory is pushed to the limits of the world and sees no need to apologize for that ambition: *bene dicere . . . non habet definitam aliquam regionem, cuius terminis saepta teneatur* ("good speaking has no fixed region, by whose limits it is held confined," *de Orat.* 2.5).[61] Cultural ambition becomes a stand-in for imperial expansion and vice versa, as both attitudes possess a symbiotic descriptive force. Cicero often describes oratorical victory in military terms and, in turn, likens the power achieved through military command to that obtained by great orators. Rome was oratory, and why put limits on oratory if Rome shall have none?

The repudiation of limitations as a productive convention in the genre is acknowledged in kind by Messalla: *neque oratoris vis et facultas, sicut ceterarum rerum, angustis et brevibus terminis clauditur* ("and the force and capacity of the orator is not hemmed in by narrow and small boundaries, as is the case in other areas," 30.5).[62] As we might expect, the surface acceptance is only partial, as Tacitus' conception of what limits oratory, and hence of how to liberate it from those constraints, acquires new dimensions.[63] Through allusion to the definitions of rhetoric in *de Oratore* and its references there to Greek models (most explicitly Plato's *Gorgias*), Tacitus makes those texts reflect back on the definitions and material scope of *eloquentia* in the *Dialogus*. Messalla's mention of *nominis controversia* (25.1), this section will argue, alludes to the two uses of the phrase *verbi controversia* in Book 1 of *de Oratore*. In both instances, *de Oratore* connects the terms to Plato's *Gorgias* and to the definitions of rhetoric.[64] The chain of references allows Tacitus to navigate between both these sources. He plays them off one another through a "window

[61] *Ars* is the understood feminine subject of *teneatur*.

[62] Pliny, in a highly programmatic letter discussing the Ciceronian legacy, employs the motif in similar language (*quam angustis terminis claudamur*, *Ep.* 9.2.3). See Marchesi (2008) 237–9; Gibson and Morello (2012) 97–9.

[63] Looking outward to the historical context, Tacitus also includes a conception of the "provincial" relevance of *eloquentia* in a conception of the Roman world that has since embraced the geographical reach of Roman eloquence and its practitioners. Aper's interest in time schemes is most apparent in his second speech, in which he frequently refers to the boundaries between different periods. There is an important connection in the *Dialogus* between defining temporal categories more generally and defining *eloquentia*. In addition, the overlap in spatial and temporal vocabulary suggests that examining categories of time in *Dialogus* would also benefit from considering its geographical and spatial terms. Cf. Schirren (2000) on some spatial metaphors in the *Dialogus*, Connors (1997) in rhetoric more generally.

[64] In the *Gorgias* Socrates repeatedly tries to find a definition (*horos*) for rhetoric as a *techne*. Aristotle, as Kennedy (2007) 30 n. 4 argues, alludes to the *Gorgias* by calling rhetoric an *antistrophos* of dialectic. The reference to "boundaries" in 1.1 can also be read as a response to the *Gorgias*' interest in definitions.

reference."[65] Tacitus alludes to *de Oratore* but adapts elements from the *Gorgias* in order to correct implictly *de Oratore*'s own take on Plato's dialogue and on the definitions of oratory.

The phrase *verbi controversia* occurs twice in *de Oratore*. Crassus, we learn, studied the *Gorgias* with Charmadas, the Academic philosopher and pupil of Carneades. He praises Plato as a consummate orator for badgering Greek rhetoricians for a definition of their art:

> quo in libro in hoc maxime admirabar Platonem, quod mihi in oratoribus inridendis ipse esse orator summus videbatur. verbi enim controversia iam diu torquet Graeculos homines contentionis cupidiores quam veritatis.
>
> In that book I especially admired the fact that Plato seemed to me to be a consummate orator himself while mocking the orators. You see with quibbling over a word he vexed those little Greeks, who were more interested in strife than truth. (*de Orat*. 1.47)

Some sixty chapters later, Crassus will reject the petty interest in whether rhetoric is an *ars* as mere quibbling over a term: *verbi controversia* (*de Orat*. 1.107). The second instance comes on the heels of a reference to Gorgias of Leontini and his promise to respond to any issue about which he might be asked (*de Orat*. 1.102–3). Crassus likens attempts to define the *ars rhetorica* to the sort of schoolmasterly quibbling begun by Gorgias and now so common among chatty Greek philosophers.

Cicero may also have drawn inspiration for this passage from Aristotle's response to the *Gorgias* at the opening of the *Rhetoric*. Cicero, however, outdoes both authors by emphasizing the greatness of the art: oratory has no intellectual limits and hence requires no definition. Antonius affirms Crassus' assertion and suggests that this sort of thing is neither the domain of rhetoricians devoted to the craft nor of philosophers who only strive to attack it. True oratory involves more than what either of these two groups could envision (1.110).

When Messalla flays Aper's verbal nitpicking (*nominis controversia*) for attempting to define the ancients (*antiqui*, 25.1), we should be wary against falling prey to his rhetorical tactic and instead should distinguish his response from its broader resonances in the *Dialogus* and its predecessors. Heard in isolation Messalla simply chastises Aper's sophistic interest in shifty time schemes that are little more than rhetoric masquerading as argument. Heard against the tradition, with all its powerful quibbling in

[65] Thomas (1986) 188: "the very close adaptation of a model, noticeably interrupted in order to allow reference back to the source of that model . . . In the process the immediate, or chief, model is in some fashion 'corrected.'"

an attempt to wrangle a definition out of its *ars* (or to deny the need for one), Aper's emphasis on time is made only more emphatic by Messalla's insistent revisiting of the issue. Messalla's remarks can be read in the light of similar claims in Cicero's texts and their connection to Plato's *Gorgias*.

At the surface Messalla's mention of the *verbi controversia* adopts a stance reminiscent of Crassus. Messalla seemingly repeats a Ciceronian statement in order to represent a Ciceronian sentiment. The second reference to quibbling at *de Oratore* 1.107, where Cicero uses the term more critically, would seem to support his rejection of Aper: like the rhetoricians and philosophers whom Cicero belittles, Aper too merely quibbles over definitions. Yet the first instance in *de Oratore* complicates that take. Read against Cicero's admiration for Plato, Aper's questioning of the term *antiqui* is equated with Plato's repeated attempts to define his subject matter and to bring to light many of his interlocutors' underlying assumptions.[66]

Aper's insistent querying of the term *antiqui* finds ample resonance throughout the *Dialogus*. Temporal categorization and oratory's relationship to its history figure among its most urgent questions. Tacitus insistently returns to temporal vocabulary and categories throughout the text, both through specific arguments of the interlocutors and through a distinct set of references to texts that also explore this issue, such as Cicero's *Brutus* and *Hortensius*, and Horace's *Epistles* and *Satires*. Aper has not merely argued that temporal definitions are significant. Tacitus reinforces that claim by meaningful reference to texts in support of it.[67]

Tacitus also casts the discussion of time in terms of boundaries and the organization of space. Aper inquires about defining the ancients (*determinare*, 16.4), the interval of time (*spatium temporis* 16.6) separating periods (*saeculum dividere*, 17.6), and the boundary that defines antiquity (*terminum antiquitatis*, 19.1). His terms suggest that awareness of temporal categories should be incorporated into a revised understanding of oratory. Cicero's attacks on quibbling did not diminish the scope of things which one took into consideration when examining *eloquentia*, but were instead always directed towards his maximalistic vision of the *ars*. While Messalla will co-opt Ciceronian terms for his complaint against Aper, Cicero's text ultimately calls into question Messalla's more restrictive position. Although Messalla directs us to Cicero's earlier maximalistic claims, it is Aper who

[66] Aper's objections have a credible basis in the rhetorical tradition. Arist. *Rh.* 2.23.8 lists the appeal to definition (*ex horismou*) among its catalogue of rhetorical *topoi*.

[67] Again, see Chapter 7.

tries to give those claims historical depth: to be a modern orator means to have a sensibility for the history of the art at Rome.

By creating a chain of allusions about definitions, Tacitus suggests a specific dimension in the tradition: it is through this debate over the "definitions" that the rhetorical dialogue creates a connection to the conventions of its own traditions. One of the features of the tradition is its struggle for self-definition, as each author rewrites the limits of the *ars* in a patently programmatic manner, defining his own focuses as he matches himself against previous versions of the tradition. Already Aristotle's correction of Plato scorned definitional quibbling. Cicero would also broaden the purview of oratory. Tacitus does not contradict Cicero's universalizing inclinations, but suggests that Cicero left out a key element. He appeals to Cicero's terms of debate as he calls into question Cicero's own fulfillment of them. Time and temporal categories become, in the broadened scope of the *Dialogus*, a central element with which to define and hence to understand *eloquentia*.

In some sense that project fails, inasmuch as we never receive an adequate response to the questions that Aper poses (just as Socrates in the *Gorgias* dismantles every definition of the rhetorical craft). The aporia well demonstrates the difficulties of finding concrete categories and reminds us of "the limitations to which all literary history is inevitably subject" (Levene [2004] 197). Still, the difficulty in defining these categories need not preclude an analysis of their effects. Despite its best efforts, the *Dialogus* may not provide an accepted definition of *antiqui*, but it uncovers the pernicious influences of categories such as "ancient speakers" or "past ages" (*priora saecula*). Aper demonstrates the contingency of such categories and well beyond that, their insalubrious effects: *etiam si nostra iudicia malignitas et invidia tardaverit* ("even if captiousness and envy [towards one's contemporaries] has dulled our judgments," 23.5).[68]

Amendment of *de Oratore* – and perhaps even of the entire tradition of rhetorical texts – involves the incorporation of temporal awareness as one of the universal elements in understanding *eloquentia*. Though a correction of Cicero, it accepts his broad sympathies as it suggests different avenues of inquiry. Tacitus endorses Cicero's universalizing premises, but proposes new problems and emphases for that project. This maximalistic view of the scope of oratory became the central polemical subject of *de Oratore*. For the *Dialogus* that problem no longer carried the same urgency. Instead, consciousness of the literary past of *eloquentia* at Rome – and of the effects

[68] Aper's entire second speech documents how the values of Cicero's day could only be accepted by his contemporaries to the detriment of their own oratory.

of the categories and definitions of that past – assumes center stage. Tacitus substitutes this distinct awareness and examination of the past for Cicero's uneasy appropriation of the Greek cultural legacy.[69]

Conclusion

The problem of temporal awareness brings us back to the preface of the *Dialogus*. The question of decline posed at the work's outset relies on an acute (if somewhat vaguely worded) conception of now versus then. The prologue does not ask about decline in clear terms. Fabius Iustus wants to know about the differences between our age (*nostra aetas*) and past ages (*priora saecula*), a distinction that foregrounds the examination of periodization within the discussion of rhetoric. The plural *saecula* seems innocuous enough at the outset. But as the work unfolds, it becomes clear that unthinking praise for "past ages" – and for the age of Cicero most of all – becomes a significant aspect in analysis of the development of *eloquentia* at Rome.

Rather than thinking of the *Dialogus* in terms of decline or its opposite, we might be better served by attempting to understand what might be at stake for Tacitus in choosing to frame the problem in those terms, which themselves have a long and complex history. Indeed, for rhetoric we can trace the assertion back at least as far as Cicero. In the years immediately following *Brutus* and *Orator* he announced the senile decline of oratory in order to justify his focus on philosophy (*Tusc*. 2.5). This suggests that the *topos* of decline may also belong to the textual negotiations on which authors rely to embark on new projects or, as in the case of Tacitus, to foreground the relationship to past works.

Although the models for the *Dialogus* are an essential part of its literary make-up, to isolate these allusions by focusing on single forerunners harbors a number of hazards. Tacitus, like authors in other literary genres, borrows from a dense network of textual predecessors, but he does so in a manner far more sophisticated than has hitherto been recognized. For example, the overlap of intratext and intertext in the depiction of Marcus Aper as the modern embodiment of an educational ideal has broader implications for

[69] It should be made clear that Tacitus knew Cicero's account of the evolution of oratory in *Brutus*, as Chapter 7 will make clear. No reader of *Brutus* could argue that Cicero lacked a historical sensibility; the point here is that such a sensibility was not essential to the maximalistic definition of the *orator*, and that a latter-day reader of Cicero, such as Messalla, might dispense with it, while Aper will argue for its centrality to modern oratory. Chapter 7 argues that Messalla and Aper dramatize the conflict between a "canonizing" and a "historicizing" approach to literary criticism and history.

interpretation of the *Dialogus*. By directing us to the internal dynamics of a work, intratexts show how various propositions engage with one another. Verbal correspondences within the *Dialogus* often forge thematic and argumentative links between distant or seemingly unconnected parts.[70] The three passages examined in the discussion of Aper, for example, span very different parts of the work. Though taken from Tacitus' prologue, Messalla's speech, and a dramatic interlude with Maternus as speaker, they interoperate to present an educational ideal embodied by Aper.

At a general level, whether we think of a dialogue as a series of unconnected debates or we are directed by textual interconnections to read across speeches can significantly alter the message that emerges. And just as a single allusion can conflict with or modify the immediate surface message – the case, for example, with the *paucitas oratorum* motif discussed at the beginning of this chapter – so multiple intertexts can coalesce in such a way that, as a group, they function autonomously from their immediate contexts. These allusive connections operate independently of a particular speech, interlocutor, or local segment of text.

In a dialogue, intertexts can create a world of parallel arguments which complement or even contradict the explicit statements in which they occur.[71] Messalla, it should be noted, decries the lax educational standards of the day, but his complaints only reinforce the image of Aper that Tacitus has presented in the preface. A protracted subtext of discussion spans the work, a concomitant network of implicit argumentation that rivals the explicit formulations of the interlocutors. Tacitus has, it appears, created a form of sustained intertextual dialogue.[72]

A final yet related observation involves the use of allusions by the interlocutors. Allusions in the *Dialogus* have often been read as if the characters "owned" them, with the result that a speaker's statements are compared directly to similar statements in Ciceronian texts. One could, in this light, regard the tendentious appropriation of Ciceronian material by each of the interlocutors as a form of "intertextual sparring" over the inherited material, as each character attempts to put his characteristic spin on Cicero's texts through tendentious citation of them. However, the examples above work against that mode of interpretation and instead induce us to think of

[70] On intratextuality, see Chapter 2 and the collection by Sharrock and Morales (2000).

[71] Cf. Fox (2000) 272 on intratextual irony in Cicero's *de Republica*, and Gaisser (1995) 579 on the "competing perspectives" and "contradictions" in Catullus 64.

[72] I have chosen examples some of which are outside the speeches in order to demonstrate how this kind of submerged argumentation occurs not merely in the course of explicit debate, but also in the dramatic and argumentative staging of a particular issue or theme.

intertextual citation within the broader dynamics of a literary work.[73] The manipulation of references can be brought into line with, even seems to require, our awareness that allusion need not in every case be anchored to a single character, but rather oriented to the argumentative interplay that develops throughout a speech or even an entire text. Rather than working in terms of character, the allusions examined here have speakers engage themes or strategies of representation that span multiple textual units and thereby contribute to a broader and more sophisticated consideration of an issue. I emphasize this point because it has received little attention in the scholarship on the *Dialogus* or Roman dialogue, even if the technique is widely acknowledged as an essential literary element in other genres, whose critics evince greater openness to meaning produced by structural organization and parallelism.

Tacitus' redeployment of an entire range of motifs and conventions underscores the *Dialogus*' place within a lineage of texts. Roman dialogue, like other literary genres, belonged to a "shared tradition of imitation."[74] Consequently, our responses to it will need to take into account the architecture, themes, and strategies of both the predecessors and the emulators. All authors struggle to maintain equilibrium between the imperatives of invention and the constraints of their inherited material. Like ancient writers of dialogue, we cannot deafen ourselves to the voices of that tradition.

[73] Again, Chapter 7 explores what such sparring might look like in the interlocutors' different attempts to appropriate the literary-critical tradition.

[74] Hardie (1990) 5.

CHAPTER 7

Literary criticism and history: Cicero, Horace, and Quintilian in the Dialogus

Ancient discussions of literature may draw on and debate the past and its values, but, we are often told, they seldom reflect in great depth on the categories used in such debates. The seemingly unconnected listing of orators and poets in the speeches of the *Dialogus* might signal Tacitus' breezy independence from other models of literary evaluation and his limited reflection on the nature of the criteria he employs. In this he would not be alone; Cicero, Seneca the Elder, Quintilian, and Pseudo-Longinus consider bygone practitioners of eloquence, the exemplary no less than the despicable, but again without explicitly scrutinizing the underlying systems of evaluation. Similarly, the poets Hesiod and Ovid glimpse back on a Golden Age before the onset of modern ills, but will not articulate why the descending Ages proved so useful to their poetic assessment of a now unattainable history. On the surface these ancient representatives enjoy a prelapsarian tranquility before the onrush of self-reflexive inquiry which characterizes the present era and its ongoing crises in the production of literary history and criticism.[1]

The simplicity ascribed to ancient authors in the characterization above ignores, of course, the ways in which texts engage implicitly with past texts and how such references open up a space for self-examination within a literary enterprise: Lucan can look back on Vergil imitating Homer in such a way that reveals to us the latecomer's sense of his textual and historical past and of his aims in the present.[2] Some attention has been paid thus far to the possibilities of prose texts to assess their position vis-à-vis their

[1] The standard study of the problems in literary history is Perkins (1992). Cf. Russell (1981) 159 on the limitations of ancient criticism; scholars are, however, uncovering greater complexity: cf. Goldberg (1995) 3–12, Hinds (1998) 52–98, Feeney (2002b), Ford (2002), Farrell (2003), and Levene (2004); Laird (2006) collects valuable essays on literary criticism.

[2] Williams (1983) for Augustan poets. A reading of texts as a literary series is fully developed in Hardie (1993) and well theorized in Jauss (1982) 3–45.

forerunners, though their value has been underestimated.[3] The previous chapter detailed the intertextual engagement of the *Dialogus* with Cicero's *de Oratore*. The present chapter will look at a range of Roman literary historical texts with which the *Dialogus* has much in common, even if Tacitus less frequently – but still on occasion – marks the path back with recognizable references.

The uniqueness of the literary-critical and literary-historical considerations in the *Dialogus* turns on the competing, yet not necessarily incompatible, criteria which it uses. Tacitus gives a hearing to all the most common tendencies, such as antiquarianism, evolution, classicism, nostalgia, and canonization. The vocabulary of assessment has a traditional ring: "ancient" (*antiquus*) versus "modern" (*novus*), but the work's interlocutors debate the meaning and relevance of these terms, and do so in such a way as to alert the reader to their sheer contingency. Similarly, the renown of the past is constantly asserted (*fama*, *laus*, *gloria*), but is contrasted with the regard which future generations will have for the present, with the practical effectiveness, faculty of judgment, and talent of contemporary speakers (*utilitas*, *iudicium*, *ingenium*), and, lastly, with the codes and obligations which shape individual self-assertion in the social and political spheres (*amicitia*, *dignitas*, *libertas*).

Through direct and indirect references, various developmental schemes are likewise brought to bear on the work's understanding of *eloquentia*: Horace's *Epistles* (2.1) and *Satires* (1.4, 1.10, 2.1) and Cicero's *Brutus* are the main discussions before Tacitus,[4] although many patterns of the *Dialogus* can be tied to Quintilian's *Institutio Oratoria*, a useful point of comparison and an invaluable context for investigation of the *Dialogus*. Reading the *Dialogus* against these texts and their values can illuminate the theoretical and cultural framework of the explicit arguments in the speeches. These authors represent a range of possibilities for examining the past: to challenge yet co-opt the authority of the ancients (Horace),[5] to outline developmental schemes (Cicero), or to see the continued relevance of evolutionary models while maintaining Cicero's pre-eminence in the history

[3] Valuable discussions for historiography are Damon (2010) and Levene (2010) 82–163; cf. the wide-ranging contributions in the 2013 theme-volume of the *American Journal of Philology* on "Intertextuality and its disconents."

[4] Feeney (2002a) and (2002b) emphasize the close, if understudied, influence of Cicero on Horace.

[5] Mayer (2001) 225 list the parallels with Horace in his index, noting allusions or possible allusions at 7.4, 10.1, 12.4, 23.2, and 27.2. See also Michel (1962a) 180, Michel (1981), Luce (1993a) 31 n. 64 and 35 n. 67, Winterbottom (2001) 143 and 146 n. 14, and Levene (2004) 167 n. 32. Michel (1962b) *passim* (a text and commentary in the *Érasme* series) also points out a number of similarities between the two authors. Woodman and Martin (1996) 409 suggest a connection between Aper's second speech and Horace's *Epistles* 2.1.34–49.

of Roman oratory (Quintilian). However, the *Dialogus* stubbornly resists following any one of these options entirely, exploring instead the mental underpinnings and practical limitations in the inherited discourses. By scrutinizing the legitimacy of each means of assessment, the work obtains a far greater relevance: it capaciously outlines for us the possibilities for valuing different eras and models, and, consequently, what might be at stake in the choices on which we ultimately settle. The expansive approach puts the reader in the position of having to adjudicate between the different formats and the consequences or the implications of those formats. Tacitus thereby provides us with a self-reflexive summary of the evaluative categories and habits through which to prize a literary past and build a literary present, in short, a critique of literary history and criticism.

Cicero's *Brutus* would be a natural point of comparison for thinking about the speakers cited and listed in the *Dialogus*.[6] Messalla, after all, singles out the text for its pedagogical model and for its remembrance of ancient orators:

> notus est vobis utique Ciceronis liber qui Brutus inscribitur, in cuius extrema parte (nam prior commemorationem veterum oratorum habet) sua initia, suos gradus, suae eloquentiae velut quandam educationem refert.
>
> You of course know Cicero's book, the *Brutus*; in the last part – the preceding part commemorates the earlier orators – he narrates his beginnings, his stages, and the rearing (if you will) of his own eloquence. (30.3)

Cicero's educational narrative – antiquity's first example of extended autobiography – follows on the history of Greek oratory, the early speakers at Rome, and the longer and progressively more detailed survey of orators since Cato the Elder. Messalla in emphasizing beginnings (*initia*) and stages (*gradus*) borrows directly from the teleological narrative of the *Brutus*, in which the progression of technical refinement in past orators is paralleled by oratorical progress in Cicero's biography. The stages of rhetoric's former development stand, for Messalla at least, in contrast to relapse in the modern era: *quibus gradibus fracta sit et deminuta eloquentia* ("the stages by which eloquence has been broken and cut up," 26.9). In the implicit comparison, Messalla discerns how successfully the canonical master managed to conflate his personal history with the history of rhetoric at Rome; in retrospect the life of the man and the life of the art become indistinguishable, an idea metaphorically joined as the "rearing of Cicero's eloquence."

[6] Borzsák (1985); Gowing (2005) 110–20; Stroup (2010) 269–73.

Cicero's sweeping enumeration of successive generations in Rome's oratorical history might seem to fit well with the comparison at the opening of the *Dialogus* between the paucity of orators in the present day and the glorious plethora of ancient speakers:

> Saepe ex me requiris, Iuste Fabi, cur, cum priora saecula tot eminentium oratorum ingeniis gloriaque floruerint, nostra potissimum aetas deserta et laude eloquentiae orbata vix nomen ipsum oratoris retineat; neque enim ita appellamus nisi antiquos, horum autem temporum diserti causidici et advocati et patroni et quidvis potius quam oratores vocantur.
>
> Repeatedly, Fabius Iustus, you ask me why, whereas earlier generations flourished in the glory and talents of so many distinguished orators, our age above all, barren and bereft of the eminence of eloquence, hardly preserves the distinction "orator"; you see, we call only the ancients thus, but the fluent speakers of our day are termed "pleaders," "counselors," "defenders," and anything but "orators." (1.1)

Critics, usually reading back from the periods defined in the final four speeches, have often understood *priora saecula* to mean the Late Republic.[7] There are reasons to be cautious at the outset: the plural has a generalizing ring which can likewise imply the tendency to disregard the present in favor of the past – whatever that past age might be (the Greek canon, early Roman orators, the age of Cicero). And does *Brutus*, the greatest single catalogue of Roman speakers, really proclaim an abundance of *oratores*? Tacitus' appeal to a paucity of orators brings us back to a leitmotif of Cicero's own writings: he repeatedly asserts that few orators of merit have existed in any generation.[8] How often must Cicero also temper inclusions in the *Brutus* with recognition of their mediocrity? Only the skewed perspective of the present endows the past with such fullness – the canonical plenty of yesteryear is a proposition in the *Dialogus*, not in the Ciceronian treatise which it follows.[9]

There are closer precedents against which to read Fabius Iustus' question. Quintilian optimistically remarked that:

> habebunt qui post nos de oratoribus scribent magnam eos qui nunc vigent materiam vere laudandi: sunt enim summa hodie quibus inlustratur forum ingenia. namque et consummati iam patroni veteribus aemulantur et eos iuvenum ad optima tendentium imitatur ac sequitur industria.
>
> The authors who write about orators after us will have extensive material for duly praising those now in their prime; nowadays there are indeed very

[7] Mayer (2001) 88. [8] See Chapter 6 for discussion of the *paucitas oratorum* motif.
[9] Cogently formulated from a different perspective at Goldberg (2009) 73: "Few live in a Golden Age. Fewer still ever know that they do."

> great talents who adorn the forum. You see, both the accomplished pleaders rival the ancients and also the diligence of young men aspiring to the best follows and imitates them. (10.1.122)

From the point of view of a post-*Dialogus* reader, Quintilian looks ahead to the Tacitus of the *Dialogus* in two ways – first, as a theorist who will write about orators (*de oratoribus*) after Quintilian, and, second, as a practitioner of oratory, who is likewise to be identified in two ways in Quintilian's prediction: the fictional young man (*iuvenis*) of the dialogue who emulates the older generation, and the real-life author from the accomplished generation who rivals the ancients and leads today's *iuvenes*.[10] Likewise, in the emphasis on praise (*laudandi*) and talent (*ingenia*) it is hard not to see the opening of the *Dialogus* as responding to, if not challenging, Quintilian's assessment. A further echo strengthens the connection to Quintilian: *nisi forte nostra potissimum tempora damnamus huius infelicitatis, ut nunc demum nihil crescat* ("Are we to condemn our age of all to the misfortune that now for the first time nothing can grow?" Quint. *Inst.* 10.2.8). The similarity of *nostra potissimum tempora* to *nostra potissimum aetas* is reinforced by the agricultural metaphors in the surrounding passages (*florere*, *crescere*).[11] The question Tacitus has designed for Fabius Iustus sounds like a direct provocation of the Quintilianic text which preceded it by only a few years, but Tacitus' distance from the question means that we cannot be certain of his attitude towards the provocation. Quintilian's text is an invaluable context for the *Dialogus*, even if the relationship of the two is hardly straightforward.

Scholars have found it easier to align the preface with Cicero's writings just as they have found it easier to align Tacitus' perspectives with those of Cicero. A further hindrance has been the apparent incompatibility of Quintilian's optimism with Tacitus' alleged pessimism.[12] But the comparison of Tacitus and Quintilian in this way overlooks assumptions inherent in it – that each author, like a character in the *Dialogus*, represents a coherent position on oratory's demise or prosperity, and that adjudication of those positions best explains the unquestionable common ground which

[10] On Tacitus' implicit painting of himself into both roles, and for the relevance of Plato's *Phaedrus* and *de Oratore*, see Chapter 2.

[11] *Noster potissimum* plus a noun designating time occurs only in these two passages in classical Latin. Cf. Quint. *Inst.* 12.11.15; Ps.-Quint. 9.19. *Florere* is a programmatic term, common in prefaces (Cic. *de Orat.* 1.1, 2.5, 3.7, Sen. *Con.* 1. *praef.* 2 and 6). Quintilian's prediction follows directly on praise of Secundus (of the *Dialogus*).

[12] Scholars have, perhaps by reading through Tacitus, downplayed the sense of renewal and continuity which no reader of Quintilian (or Pliny) can deny. Sour notes are undoubtedly sounded against the excesses and foibles of the day, but what field in what age did not reasonably express reservations? Cf. Habinek (1987) and Morgan (1998).

they share. As a result, discussion has revolved around two issues: 1) a comparison of educational programs (child-rearing and pedagogy, the schools, declamation, "Ciceronian" broad learning); and 2) whether Messalla rejects or supports Quintilian, followed by attempts to equate or separate Messalla and Tacitus.[13] That we should not read the *Dialogus* in a monological fashion applies equally well to the artistic sensibility Quintilian exercised in his own work. It will prove more useful to consider the various perspectives that texts such as the *Institutio* bring to bear on oratory and rhetorical theory as a larger context. The patterns of literary history and criticism common to the *Dialogus* and to other works of the rhetorical and critical tradition can help us to understand the unique contribution of the *Dialogus* to those analyses.[14]

For all Quintilian's praise of Cicero he clearly emphasizes cultural continuity. His periodization includes finer gradations than the *Dialogus*' preface and fairly judges what is put in the balance; Cicero may be the heavyweight, but that does not mean that an Africanus or Caelius outweighed a Cassius or Afer. A reader coming from the *Institutio* will also bring a different understanding to the *saecula* of the *Dialogus*: Quintilian creates four groups (12.10.10–11): 1) Cato and early speakers to (roughly) the middle second century BCE; 2) the middle stage of early classical figures such as Crassus and Hortensius, Cicero's role model and main forensic rival, respectively; 3) key orators of the first century BCE through the Early Empire, from Servius Sulpicius Rufus and Julius Caesar through Cassius Severus (d. 32 CE); 4) orators whom Quintilian saw in his lifetime, from Seneca to the Secundus of the *Dialogus*.[15] The opposition Republic–Empire is one possible response

[13] The most significant articles on Tacitus' relationship to Quintilian are: Bardon (1941), Barwick (1929) and (1954), Güngerich (1951), Brink (1989), and (on style) Dominik (1997b). Brink rejects the formulas "Quintilian-Messalla" and "Maternus-Tacitus," but still sees Messalla as the virtual exponent of Quintilian's doctrine; Messalla's criticism, according to Brink, ultimately cast doubt on the feasibility of Quintilian's program.

[14] Missing from this discussion is Quintilian's *de Causis Corruptae Eloquentiae*, whose aims and content are obscure and will remain so barring further evidence. Brink (1989) offers the best treatment of the evidence, and an attempt to connect the *de Causis* with an explanation of decline in the *Dialogus*. As should be evident by this point (and in light of Chapter 2's discussion of Messalla's significance for the ultimate message of the *Dialogus*), I disagree largely with Brink's assumptions about the message of the *Dialogus*, and consequently remain unconvinced by his conclusions about Tacitus' rejection of Quintilianic doctrine any more than I am convinced by Barwick's (1929) and (1954) earlier equation of Messalla with Quintilian. Perhaps a new understanding of the *Dialogus* can lead to a different set of conclusions about the *de Causis*. Heldmann (1980) 19 remains sceptical about the prospect of reconstructing the *de Causis*. Unfortunately it, along with Pliny the Elder's lost *Studiosus*, will likely remain inaudible background noise against the louder voices from the extant texts.

[15] Cicero is excerpted from these groups for special treatment (12.10.12–15). Quintilian discusses Roman orators in his canon of reading prescriptions (Cicero: 10.1.105–12; others: 10.1.113–21).

to understanding the periods announced in the preface to the *Dialogus*, yet that answer ignores the value of the question, whose vagueness requires a reader to consider the options for periodization and the values that go with them. What are the past and present ages, and why does fame attach to them differently?

The inherited and conceptually limiting periodization opposes *antiquus* ("ancient") to *novus* ("recent"),[16] and while Messalla concedes a diversity of styles in and across periods (25.2), in privileging the ancients he reflects a cultural habit, implicit in Fabius Iustus' question, to regard a given period as an essentially static, undifferentiated collection of speakers who share a common characteristic or virtue:

> omnes tamen eandem sanitatem eloquentiae servant, ut si omnium pariter libros in manum sumpseris, scias quamvis in diversis ingeniis esse quandam iudicii ac voluntatis similitudinem et cognationem.[17]
>
> However all of them maintain the same healthfulness of eloquence, such that, if you were to take up the works of all of them equally, you would know that, despite their different talents, a certain likeness and kinship of judgment and inclination exists. (25.4)

Cognatio ("affinity," "consanguinity") sounds the first note in Messalla's biologically oriented view of periodization. He will continue to describe the eloquence of earlier republican orators Galba and Laelius as still developing: *cum fatear quaedam eloquentiae eorum nascenti adhuc nec satis adultae defuisse* ("since I acknowledge that their eloquence, in its infancy and not yet sufficiently developed, lacked certain things," 25.7). Maternus appropriately picks up on the language with the use of *degenerare* ("decline," "degenerate") in his response : *perge . . . et cum de antiquis loquaris utere antiqua libertate, <a> qua vel magis degeneravimus quam ab eloquentia* ("Go on . . . and since you're speaking of the ancients, make use of ancient *libertas* – undoubtedly we've fallen further from it than from eloquence," 27.3). Messalla's conception is wedded to a nearly literal generational inferiority, akin to the sense that Vergil puts into the mouth of Achilles' son Neoptolemus as he is on the verge of slaying Priam*: illi mea tristia facta | degeneremque Neoptolemum narrare memento* ("*Remember to tell him* [*sc.* Achilles] *about my gloomy deeds and about degenerate Neoptolemus*," *Aen.* 2.548–9).

[16] Russell (1981) 159: "[a]ncient writers seldom go beyond the distinction into 'old' and 'new'."

[17] I follow Rhenanus' emendation *sanitatem* (accepted by most editors) for the manuscripts' *sanctitatem* (returned to by Mayer).

Held up against the more catholic views of Cicero and Quintilian, and against the modern dismissal of organic explanations,[18] Messalla's insistence seems too simple; however, that comparison unfairly misreads the provenance of his thinking, which is more of a piece with Velleius Paterculus' periodization into discrete canonical zeniths. Each genre lives out a cycle of growth and decay, an idea with precedents traceable through Seneca the Elder, Cicero, and Aristotle, although the latter's interest is more in a genre's teleological development towards its final nature, not a particular age's ability to capture generic quintessence. Aristotle held apart what Velleius made a necessary development for excellence in a field: great works attach to great authors no less inevitably than great authors gather around a historical moment.[19] We might expect some enumeration of the decline between the age of Cicero and the present day, yet Maternus intercepts the train of discussion before Messalla can get there (26.9–27.1).

The emphasis on *genus* ("birth," "stock," "style," 25.4) refers back but stands in contrast to Aper's mention of *species*: *non esse unum eloquentiae vultum, sed in illis quoque quos vocatis antiquos pluris species deprehendi* ("there is not a single aspect of eloquence, but even among those you call ancients many types can be found," 18.3). Scrutiny of the ancients is preceded by the general recognition of diversity: *mutari cum temporibus formas quoque et genera dicendi* ("both the types and styles of speaking change with the times," 18.2). From different perspectives Aper and Messalla have brought forward stylistic analyses pertaining less to the literary historian and critic than to the student selecting models to emulate.[20]

Cicero and Quintilian made the assessment and imitation of appropriate style a preliminary to the development of original speech. In Cicero each

[18] Perkins (1992) 155: "the drearily familiar figures of the birth, maturity, decline, and end of a form, genre, national literature, and so on." Perkins rightly precludes organicist narratives for modern literary historians, but for ancient authors what he dismisses as "flowers of rhetoric" clearly had cultural traction and might be better appreciated through "sociomental" models such as those in Zerubavel (2003).

[19] Cf. Sen. *Con.* 1. *praef.* 6: "Whatever Roman eloquence has came to flourish around Cicero's day," *quidquid Romana facundia habet . . . circa Ciceronem effloruit*). *Con.* 1. *praef.* 7 formulates a zenith/nadir model as a general principle, citing various possible causes. Models of decline: Heldmann (1982) 60–97 (Heldmann at 38 excludes Velleius from the ancient evidence for the thesis of the decline of eloquence); Schwindt (2000) 138–52 on Velleius' literary history. Arist. *Po.* 1449a describes a genre's achievement of its best form (*physis*) as its final end (*telos*). Cf. Halliwell (1986) 92–6 (Aristotle's *Poetics*); Goldberg (1995) 6–7 (teleology and *Brutus*); Heldmann (1982) 199–299 (theories of decline at Rome); Levene (2004) 182.

[20] Aper (and not only Messalla) cares for the choices made by developing students, as demonstrated by his comments on the influence of Calvus' speech: "the prosecution speeches "Against Vatinius" are commonly read by all the students" (*in omnium studiosorum manibus versantur accusationes quae in Vatinium inscribuntur*, 21.2).

aetas, building on past ages, establishes a unique *genus dicendi*, something distinct in that generation.[21] The terminology can be confusing, since *genus* also applies to individuals ("personal style"). For this reason Book Three of *de Oratore* introduces, but does not elaborate on, the further non-technical distinction of the orators' *species* within a generational *genus* ("type of speech"). The framework was meant to explain "both growth between generations, and controlled divergence within the generation." Imperial authors would refine the categories.[22]

Quintilian adapts Cicero's model by emphasizing the plurality of models which the budding orator could imitate. In this regard he is largely in line with most theorists, such as Dionysius, both Senecas, and in some ways Cicero's later writings, which tout the stylistic diversity of Attic Greek orators as a response to the purported stylistic narrowness of contemporary Roman "Atticists".[23] Through "digestion" of various stylistic sources Quintilian's student would ultimately develop distinctive virtues (*propria bona*, 10.2.27).[24]

There were dangers in the process "unless handled cautiously and with good judgment" (*nisi caute et cum iudicio adprehenditur*, 10.2.3). Older models benefit imitation provided that style maintains a lifeline to the present. The speaker who parrots ancient speakers is likely to isolate features that "have the smell of antiquity," as Cicero would come to describe the

[21] Fantham (1978b) 2 calls it the "characteristic idiom." Fantham (1978a) and (1978b) are essential for discussion of imitation and the development of style in rhetorical theory. Any discussion of imitation and style in rhetorical theory owes her a considerable debt, but I hesitate to endorse her connection of theories of *imitatio* to assumptions about oratory's (Ciceronian) rise and (imperial) decline. LPW IV.147–8, taking issue with Fantham (1979), argue against seeing a phrase such as *genus dicendi* as a technical expression meaning "style," preferring instead the broader terms "type" or "class" of speech; a condensed explanation is at May and Wisse (2001) 232 n. 38.

[22] Quotation: Fantham (1978b) 13. Refinement: ibid. 14 and 14 n. 40, noting astutely that Cicero left it to his successors to reformulate the terminology and its related problems. Michel (1962b) 104–6 discusses the precedent in *de Oratore* 3.25–37 and sees Aper as its main exponent; Fantham (16 n. 46) prefers Messalla to Aper as the rightful inheritor of the Ciceronian discussion. It is true that Messalla draws the distinction *genus*/*species*, whereas Aper uses the formulation *forma*/*genus* (18.2) and *vultus*/*species* (18.3) in contexts discussing stylistic diversity along the lines of Quintilian's use of *genus*/*species*. This difference does not in itself seem to trouble Fantham; rather, her emphasis on oratory's rise and fall requires her to select Messalla as the counterpart to Cicero in his explanation of development. The analysis is predicated on the assumption of decline as a historical fact.

[23] *Rhet. Her*. is perplexing on the larger question of whether to use multiple models or a single source for imitation; Caplan (1954) 232 n. a and 243 n. e; Fantham (1978a) 107. The author polemically counters (unnamed) Greek theorists who drew from multiple models as examples of style (*elocutio*). However, his reworking of different sources for the "homemade" examples of style in Book 4 makes it difficult to balance the assertion of independence against his creative practice (4.1–10, esp. 4.7 and 4.9). Additionally, the statements conflict with his earlier espousal of imitation (1.3). The issue still dogs the scholarship, and fuller study of the treatise to complement Kaplan's ground-breaking (1954) Loeb and Calboli's (1969) commentary remains a desideratum.

[24] The metaphor of digestion is Quintilian's (10.1.19) but already elaborated in Sen. *Ep*. 84.

speeches of Servius Galba, the innovator and contemporary of Laelius and Africanus: *redolentes . . . antiquitatem* (*Brut.* 82). In looking back some hundred or so years to the middle of the second century, Cicero notes that Galba's speeches have faded so much that they are hardly read in the middle of the first. While Cicero there does not explicitly counsel against outdated style, Aper will when borrowing the phrase to target Cicero's protégé Caelius:

> quid? ex Caelianis orationibus nempe eae placent, sive universae sive partes earum, in quibus nitorem et altitudinem horum temporum adgnoscimus. sordes autem illae verborum et hians compositio et inconditi sensus redolent antiquitatem; nec quemquam adeo antiquarium puto, ut Caelium ex ea parte laudet qua antiquus est.
>
> What then? Obviously of the Caelian orations we like the parts (or whole ones) in which we can recognize the splendor and loftiness of present times. However, those filthy words, gaping composition, and unrefined periods reek of antiquity. I do not consider anyone so antiquarian as to praise Caelius for being old-fashioned. (21.3–4)

Tacitus, unlike the ostentatious antiquarians, seamlessly incorporates Cicero's language into his own work, successfully demonstrating the reuse of past authors.[25] He has partly taken the larger criticism of antiquarians from Cicero's discussion of Lucius Cotta, who habitually "sought out and imitated the old-fashioned" (*persequebatur atque imitabatur antiquitatem*, *Brut.* 137).[26]

A related vice is the hackneyed copying of what once appeared to be a significant innovation. Horace criticized contemporaries who aped the neoterics of a previous generation: "fancy Hermogenes . . . [and] that monkey, trained to recite nothing but Calvus and Catullus" (*pulcher/ Hermogenes . . . [et] simius iste | nil praeter Calvum et doctus cantare Catullum*, *S.* 1.10.17–19).[27] These "contemporary followers of Catullus and Calvus – modernists after yesterday's fashion" have a rhetorical counterpart

[25] Aper is against strict antiquarianism, not judicious imitation of the ancients. He praises Messalla for imitating their most felicitous aspects: *laetissima quaeque antiquorum imitantem* (23.6).

[26] Compare the longer criticism of *antiquitas* and the concomitant vice of "countryside inelegance" at *de Orat.* 3.42–6 (*rustice*, *rustica vox*, etc.). Quintilian likewise chastises antiquarian vices at 10.2.17.

[27] *Pulcher* and *doctus* nicely turn neoteric vocabulary against the emulators. Cf. Putnam (2006) 1–2; Gowers (2012) 306–7. This excerpt is part of a far more complex engagement with Lucilius' legacy and his modern adherents. Horace's depiction of Lucilius is further discussed below, but fuller treatment of this passage exceeds the scope of the present study. The olfactory metaphor in Cicero (*redolent antiquitatem*) is perhaps picked up in Horace's bilingual pun at *S.* 1.10.22: *Pitholaus* (πίθωv) + *olere* ("with ape stink"); cf. Freudenburg (1993) 169 n. 101, Gowers (2012) 319.

in the rote imitators of Cicero's rhythmical cap *esse videatur* ("seems to be"):[28]

> Nolo inridere "rotam Fortunae" et "ius verrinum" et illud tertio quoque sensu in omnibus orationibus pro sententia positum "esse videatur." nam et haec invitus rettuli et plura omisi, quae tamen sola mirantur atque exprimunt ii, qui se antiquos oratores vocitant.
>
> I don't want to make fun of the "wheel of fortune," "boar broth," or that *esse videatur* concluding every other period in all the speeches instead of an epigram. I'm reluctant to say this and I've left out more: it's these things and nothing else which the self-proclaimed "old-school orators" admire and imitate. (23.1)

Aper exaggerates, partly conflating the vices of latter-day imitators with Cicero's actual practice, but the larger argument is clear: awareness of Cicero's prose habits should not entail slavish repetition of a single feature, a point Cicero himself had virtually argued from another perspective in *Orator* (e.g. 84, 219); a variety of rhythms should be deployed insensibly to avoid cloying an audience through obvious repetition. Aper's criticism includes a modern criterion: the epigrammatic conclusion (*sententia*). He (and the other speakers) will not avoid prose rhythm, but an outdated mannerism (*esse videatur*) should not replace an original *sententia*.[29] The difference is hardly superficial, since epigrams contribute essentially to persuasion: *quis utile neget? feriunt animum et uno ictu frequenter inpellunt et ipsa brevitate magis haerent et delectatione persuadent* ("Who would deny their usefulness? They strike the mind and often overthrow it with a single stroke; by their very brevity they stick faster and persuade us with pleasure," Quint. *Inst.* 12.10.48).

Enthrallment with antiquarianism leads to *corrupta eloquentia* ("decadent speech") as does the overindulgence of present habits or fashions. "Both are decadent," says Seneca the Younger, "even though they are different styles" (*utrumque diverso genere corruptum est*, *Ep.* 114.13).[30] Seneca disapproves of those who "seek their words from another century," (*ex alieno saeculo petunt verba*, ibid.) and who "fall into filth when aiming only for the well-worn and the everyday" (*dum nihil nisi tritum et usitatum volunt, in sordes incidunt*, ibid.). Messalla's brilliant diatribe against Maecenas and

[28] Yesterday's fashion: Brink (1963) 166. Rhythm: cretic (with resolution) plus trochee: ¯˘˘˘˘¯. Quint. 9.4.73 decries the overworked "esse videatur" (*iam nimis frequens*); Cf. 10.2.18. On the (following) jokes, *Pis.* 22 (*rotam Fortunae*); *Ver.* II 1.121 (*ius verrinum*) with Quint. 6.3.4.

[29] Mayer (2001) 30–1 perceptively discusses rhythm in the *peroratio* of Aper's second speech (23.5–6).

[30] Cf. Cic. *Brut.* 202, 261 on *corruptum*.

Gallio (26.1–3) captures many stock criticisms of modern overrefinement:[31] too much "crimping" (*calamistri*) and "clanging" (*tinnitus*), clothing with meretricious colors and dyes as opposed to the plain wool toga, and finally a series of effeminate flaws catalogued with rhetorical gusto:

> neque enim oratorius iste, immo hercule ne virilis quidem cultus est quo plerique temporum nostrorum actores ita utuntur ut lascivia verborum et levitate sententiarum et licentia compositionis histrionales modos exprimant.
>
> And indeed this adornment isn't oratorical, by Hercules it's not even manly, which most of the speakers of our day use to imitate theatrical rhythms, with lasciviousness of words, levity of ideas, and license of arrangement. (26.2)

The three alliterative nouns beginning with "l" suggest the absent guiding virtue, (restrained) freedom (*libertatem temperatis*, 23.6), which Aper had lauded in his interlocutors.[32]

Like Messalla, Quintilian despaired, but also sought to correct the flaws he saw, such as overreliance on *sententiae*, indulgence of the audience's pleasure, or failure to distinguish the artifice of declamation from the realities of the forum (e.g. 12.10.45–8). The modern sensibility developed too far crosses over from the *au courant* to the foppish. Quintilian's fuller treatment stresses good judgment (*iudicium*) as the faculty guiding stylistic choice (*voluntas*) and moderating talent (*ingenium*).[33] *Ingenium* can get the better of *iudicium*, as Quintilian thought it often did with Seneca.[34] The true danger is that the amateur cannot yet distinguish virtue from vice and copies the latter because it is most evident. Criticism of Seneca

[31] Compare Quint. *Inst.* 12.10.47 on the toga, as well as Seneca's famous lambasting of Maecenas for his loose dress (*Ep.* 114.4–8). On "crimping" Cic. *Orat.* 78, *Brut.* 262, *de Orat.* 3.100; D. H. *Comp.* 25, with Mayer (2001) 171. Does Aper slyly satirize the motif by mentioning "uncombed antiquity" (*impexam antiquitatem*, 20.2)? Kraus (2005) 104–6 (with bibliography) succinctly describes moral judgments on style through dress, hair, and composure of the body. *Tinnitus* is unusual, but cf. Pliny on speakers who seem only to be missing *cymbala et tympana* ("cymbals and drums," *Ep.* 2.14.13).

[32] Most recently on the theatrical complaints see Levene (2004) 180–2, who rightly notes that Messalla's emphasis on style rather than gesture is untraditional (but cf. 20.3, where Aper mentions gesture in connection with antiquarianism). The focus on style may be explained by the close responsion between this passage and Aper at 23.3–4 (quoted above). *Libertas* at 23.6 also carries the sense of "outspokenness." On the contrast of *licentia* and *libertas*, itself a *topos* of criticism, see Quint. *Inst.* 10.1.28–9 with Russell's valuable note.

[33] The terms are originally Ciceronian. Fantham (1978b) 5 n. 15: "The recurring antithesis of *natura* and *voluntas* treats them as complementary ingredients in each man's idiom." The opposition of *natura* to *voluntas* and of *ingenium* to *iudicium* would repay further study, especially their development and differentiation in imperial criticism.

[34] Quint. *Inst.* 10.1.126–31; Ovid is the poetic counterpart to Seneca's untamed *ingenium*: "too enamored of his own genius" (*nimium amator ingenii sui*, 10.1.88).

is meant to deter the young emulators of his style, and Quintilian thereby updates *de Oratore*'s specimen of poor imitation, Fufius (2.91), who, despite physical shortcomings, sought to imitate Fimbria's strength (*nervi*). In superficially copying Fimbria's rough manner of speech, Fufius ended up "succeeding where he would have been well advised to fail."[35] Quintilian warns students off the Sirens of Seneca's writings, which "abound in sweet vices" (*abundant dulcibus vitiis*, 10.1.130). Yet with a typically keen sense for pedagogy whenever possible, he laments the vitiating influence while recommending Seneca to the advanced student who commands a less susceptible judgment: *exercere potest utrimque iudicium* (10.1.131).

Balance was essential in order to avoid sounding merely *antiquus* ("of the old-school") or *novus* ("of the present day") and instead to become *novus* in the radical sense, "unheard of," something genuinely new out of the irretrievably old.[36] For this reason, Quintilian makes restrained concessions to modern predilections, since orators cannot be anchored to outdated models (12.10.45). Pleasure, in the sense of entertainment (*delectatio*, *voluptas*), for example, could devolve into pandering and self-promotion, but could also serve a useful purpose (*utilitas* – one of Quintilian's cardinal virtues):

> atque id fecisse M. Tullium video, ut cum omnia utilitati, tum partem quandam delectationi daret, cum et suam se rem agere diceret, ageret autem maxime litigatoris: nam hoc ipso proderat, quod placebat.
>
> I see Marcus Tullius acted in the same way, making some concession to pleasure while constantly alert to practical needs, saying that he was also seeing to his own interests, while he was in fact looking out for his client most of all: you see it helped that he was pleasing. (12.10.45)

On this point Aper and Messalla share common ground. Aper notes: "our speeches are not less effective because they reach the judges' ears with pleasure" (*neque ideo minus efficaces sunt orationes nostrae quia ad aures iudicantium cum voluptate perveniunt*, 20.6). Messalla urges speaking "in accordance with the dignity of matters, to the expediency of the conditions,

[35] Fantham (1978b) 5.

[36] If innovative enough, like Cicero or Seneca (and perhaps Cassius Severus), the style can achieve a newness that Eliot saw as the bearer of canonical change: "existing monuments form an ideal order among themselves, which is modified by the introduction of the new (the really new) work of art among them" Eliot (1950) 5 (first published in 1919). It is hard to know if, at this point in history, anyone could have eclipsed Cicero and Vergil in rhetoric and epic. Quintilian may well have envisioned the possibility that Seneca could displace Cicero as the canonical polygram and stylistic reference of the new generation, not only upsetting a curriculum he so cherished, but threatening a vast storehouse of oratorical models. It is worth stressing the perplexing absence of Seneca from the *Dialogus*.

and with the pleasure of the listeners" (*pro dignitate rerum, ad utilitatem temporum, cum voluptate audientium*, 30.5).

Corrupt eloquence in Quintilian's view, whether antiquarianism or trendiness, is not a mode of historical development in the Empire, but rather the failed development of style caused by poor judgment.[37] And although he idolized Cicero, Quintilian pinned his flag to no age:

> qui horride atque incomposite quid libet illud frigidum et inane extulerunt, antiquis se pares credunt, qui carent cultu atque sententiis, Attici.
>
> Those who bring forth something cold and senseless in a rough manner and without rhythm, imagine themselves just like the ancients, those who lack ornament and epigrams, think they're "Attic". (10.2.17)[38]

Surrendering to an age or sect warrants as much caution as the attraction of meretricious style. The implicit broader conclusion is that no generation or group can serve as the lone model for emulation, only the specific virtues of individuals can, and the sources should be numerous.

The need for variety explains the continued popularity of "author attributes," the designation of a *forma* (Greek χαράκτηρ) which encapsulates the quintessence of an author. Cicero notes the habit and the reductive tendencies to which it could lead (*Orat.* 36). Indeed, this may seem like a facile way for the literary historian to conduct business, but such constructions had a fundamentally pedagogical application. Quintilian famously paired authors and qualities in the *Institutio*'s grand synopsis of Roman literature (10.1), followed by the long chapter on imitation (10.2). The procedure's schoomasterly associations are present in Horace's list of canonical poets:

> Ennius, et sapiens et fortis et alter Homerus, 50
> ut critici dicunt, leviter[39] curare videtur
> quo promissa cadant et somnia Pythagorea.
> Naevius in manibus non est et mentibus haeret
> paene recens? adeo sanctum est vetus omne poema.

[37] Thus Fantham (1978a) 112 n. 30, following Kennedy (1969) 23, rightly insists that Quintilian's lost *de Causis Corruptae Eloquentiae* would not be about the "origins of the decline of eloquence" in any historical sense, but rather, specific emendable vices. *Pace* Winterbottom (1975) 82, Brink (1989).

[38] In the connection of *horride* and a lack of *cultus* one detects a note of Cicero's own attack against the Atticists at *Orator* 28: *putant enim qui horride inculteque dicat . . . eum solum Attice dicere* ("now they only consider someone "Attic" who speaks in a rough and unpolished manner"). Has Quintilian divided Cicero's attack against the *Attici* in order to create a two-pronged assault against *Attici* and *antiquarii*? If so, he may be a precursor to the fuller version Tacitus has put in Aper's mouth.

[39] I follow White (1987) in my understanding of the text (and partly his translation), but cf. Rudd (1989) 82.

ambigitur quotiens uter utro sit prior, aufert
Pacuvius docti famam senis, Accius alti,
dicitur Afrani toga convenisse Menandro,
Plautus ad exemplar Siculi properare Epicharmi,
vincere Caecilius gravitate, Terentius arte.
hos ediscit et hos arto stipata theatro
spectat Roma potens; habet hos numeratque poetas
ad nostrum tempus Livii scriptoris ab aevo.

Ennius, that wise and brave second Homer,
as the critics say, seems frivolous for caring
where his promises and Pythagorean dreams would fall.
Isn't Naevius in our hands and doesn't he almost stick in our minds,
nearly a contemporary? So sacred is every ancient poem.
As often as it's argued who's better, Pacuvius
carries off the renown of a learned old man and Accius that of loftiness,
Afranius' toga is said to fit Menander,
Plautus rushes in the tradition of Epicharmus the Sicilian,
Caecilius wins by means of earnestness, Terence by means of refinement.
These men does powerful Rome learn by heart and look upon,
crammed into a narrow theater. She has and counts them as poets
from the age of the writer Livius up until our day. (Hor. *Ep.* 2.1.50–62)

After the listing here of Roman poets' attributes there follows a humorous satire of Horace's teacher, the scourge-friendly (*plagosus*) Orbilius (*Ep.* 2.1.63–75), in which Horace sets out new poetic values against the stock attributes of the poets he once studied under duress. For all the analytic hebetude, the prescriptions beneficially keep students in mind of characteristics to identify and emulate in a given author. Our natural inclination, says Quintilian, to imitate what we approve of explains the establishment and transmission of norms in every field (*Inst.* 12.2.2).[40] Tacitus manages handbook lists more covertly, slipping them in at various points in the text, but still sympathizing with Quintilian's reach into poetry and philosophy: poets (Aper, 10.4); orators (Aper 18.2; Messalla, 25.4); philosophers (Messalla, 31.5–6).[41]

[40] See Quint. *Inst.* 12.10.11 for another instance of author-attribute lists.

[41] Poets: *nec solum cothurnum vestrum aut heroici carminis sonum, sed lyricorum quoque iucunditatem et elegorum lascivias et iamborum amaritudinem <et> epigrammatum lusus et quamcumque aliam speciem eloquentia habeat*; orators: 1) *sic Catoni seni comparatus C. Gracchus plenior et uberior, sic Graccho politior et ornatior Crassus, sic utroque distinctior et urbanior et altior Cicero, Cicerone mitior Corvinus et dulcior et in verbis magis elaboratus*; 2) *adstrictior Calvus, numerosior Asinius, splendidior Caesar, amarior Caelius, gravior Brutus, vehementior et plenior et valentior Cicero*; philosophers: *mutuabimur a Peripateticis aptos et in omnem disputationem paratos iam locos. dabunt Academici pugnacitatem, Plato altitudinem, Xenophon iucunditatem; ne Epicuri quidem et Metrodori honestas quasdam exclamationes adsumere iisque, prout res poscit, uti alienum erit oratori*. Tacitus does ascribe

Quintilian stressed a judicious synthesis of numerous styles because innovation founded on the advances of the past opened the way to ideal oratory (10.2.28). Success, of course, could not be guaranteed. To emulate virtues with the circumspect application of judgment (*iudicium*) can lead to a new style, which will either miss the mark of the model or surpass it, depending on the success or failure of the latecomer's talent (*ingenium*). Nonetheless, the effort must be made (Quint. *Inst.* 10.2.4–13).

While stylistic variety and imitation were connected to the vocabulary of *species/genus*, a related term, *sanitas*, brings us into the midst of the Atticism-Asianism debate, which was central to Cicero's *Brutus* and *Orator*, and picked up again by Quintilian.[42] Cicero presses the term *sanitas* in *Brutus*, deriding the Atticists' catchword as a jejune and powerless mode of speaking, while *Orator* prefers the related vocabulary *religio/religiosus* ("fastidiousness," "excess scruple").[43] Quintilian still carried the Ciceronian torch:

> Hi sunt enim qui suae inbecillitati sanitatis appellationem, quae est maxime contraria, optendant: qui quia clariorem vim eloquentiae velut solem ferre non possunt, umbra magni nominis delitescunt.
>
> These people cover their weakness with the name "health," which is a completely different thing. Since they can't endure a more illustrious force in eloquence as if it were the sun, they take to the shade of a great name. (*Inst.* 12.10.15)

Aper similarly criticizes *sanitas* as a lack of true vigor, a style which possesses meagerness (*ieiunum*, 23.3) and sickness (*infirmitas*, 23.4). But the true contribution to literary history and criticism lies in his shifting of Cicero's and Quintilian's criticisms of the *Attici* to a criticism of conservative thought in the Roman tradition. Tacitus redeploys the Atticism-Asianism debate, which had thus far centered on Cicero – his arguments in *Brutus* and *Orator* along with Quintilian's spirited aid in Book 12 – and overlays those defenses

characteristics to groups of poets (based on genre) and philosophers (based on sect), but those groupings form part of a larger diversity, whereas appeals to follow the *antiqui* or *Attici* impose limitations.

[42] Atticism and Asianism arise in numerous Greek and Roman authors, and the modern scholarship is considerable. The classic modern treatment remains Wilamowitz-Möllendorff (1900), but also useful are many essays in Gelzer and Flashar (1979), Fairweather (1981) 243–303, Wisse (1995), and Narducci (2002a) 408–12. I want to make clear that, although the following discussion will not challenge the terms in which Cicero cast his rivals, it does not accept those terms as aesthetic or historical fact. Since the main emphasis here is on Tacitus' reworking of Cicero's rivalry with the Atticists, the accuracy of Cicero's perspectives is less relevant to the argument than the ways in which an epigone could manipulate those perspectives.

[43] *Sanitas*: *Brut.* 51, 278, 279, 284. *Religio*: *Orat.* 25, 28, 36.

of stylistic variance onto a conception of the historical development of style at Rome. The key figure in this case is Calvus, uncoincidentally, thought to be the main exponent of Atticism in Cicero's day:[44]

> Equidem fatebor vobis simpliciter me in quibusdam antiquorum vix risum, in quibusdam autem vix somnum tenere. nec unum de populo, Canutium aut Attium, <memorabo, ne quid loquar> de Furnio et Toranio quique alii in eodem valetudinario haec ossa et hanc maciem probant: ipse mihi Calvus, cum unum et viginti, ut puto, libros reliquerit, vix in una et altera oratiuncula satis facit.[45]
>
> I'll honestly admit to you that in reading certain passages of the ancients I can hardly hold my laughter, but in others I can barely stay awake. I won't mention the run of the mill, a Canutius or Attius, much less Furnius, or Toranius, and whoever else approves of skin and bones speech when they live in the same sick-house: I mean Calvus, who, although he left behind something like twenty-one books, is barely acceptable in one or the other of his little speeches. (21.1)

The anti-Atticist *ossa* comes from Cicero and Quintilian.[46] *Valetudinarium* ("hospital," "sick-house") expands the medical lexicon before Aper returns to a traditional series of physiological metaphors in 21.8.[47] To underscore the origin of the discussion Tacitus introduces Aper's account with two reactions drawn from the *Brutus*:

> equidem in quibusdam risum vix tenebam, cum Attico Lysiae Catonem nostrum comparabas.
>
> At certain points I could hardly keep from laughing, as when you were comparing our Cato to the Attic Lysias. (*Brut.* 293)
>
> somnum isto loco vix tenebamus.
>
> I could barely stay awake on the spot. (*Brut.* 278)

Aper's initial reaction replays two scenarios. The first is Atticus' surprise at Cicero's comparison of Cato the Elder to Lysias. Cicero does his best to defend Cato's dated style, but must ultimately concede the inapposite comparison because of the distance between present and former requirements

[44] Based on Cicero's comment: "he was mistaken and even compelled others to be mistaken" (*ipse errabat et alios etiam errare cogebat*, *Brut.* 284).

[45] I follow Winterbottom's Loeb, which is closer to Köstermann's Teubner; the supplement, *exempli gratia*, gives some sense to the hopelessly corrupt passage; Winterbottom's OCT and Mayer (2001) give the balder versions.

[46] *Ossa* at *Brut.* 68, Quint. *Inst.* 1. *praef.* 24.4; *Inst.* 2.4.9 uses *macies* of a dry, constrained style; the criticism is like criticism of Atticists, but they are not mentioned in this context.

[47] Mayer (2001) 159–60 for lucid discussion.

and the difficulty of aesthetic comparisons across cultures.[48] The second passage has Cicero quote his defense of Quintus Gallius on a charge of poisoning Calidius, a proto-Atticist. Cicero connects Calidius' restrained prosecutorial style to shortcomings in "Attic" doctrine – plain exposition prevented him from exciting emotions, an area in which Cicero particularly excelled. Even when prosecuting his alleged poisoner, Calidius could not muster anything more than elegant exposition of bare facts. A discussion of *sanitas* follows, and Cicero, with the aid of Brutus, likens the catchword to a defective style (*vitium*).

Tacitus has gone considerable lengths to give Aper a Ciceronian cast, only then to turn Cicero's anti-Atticist rhetoric against the *antiqui* and thereby to undermine their authority. This is an original and brilliant move – one which by now ought to seem commonplace – insofar as Tacitus repeatedly has Aper turn the Ciceronian legacy to modern account. Not only does the attempt to justify stylistic change draw on Cicero's arguments, but even the meta-procedures of argument rework the Ciceronian categories. It is in this second, additional step that Tacitus' shrewd command of the critical tradition makes itself known. He does not simply update Cicero's stylistic values; he updates the critical procedures by which evaluations are made, transforming the terms of the Atticism debate into full-blown anti-antiquarianism, a kind of succession at the meta-level.

Here we see the truth in Aper's pretension to carry out the same battle with his contemporaries as Cicero did with his rivals (22.1). That conceit is not merely a judgment of style or of the literary battles of the Late Republic; it also interprets the developmental narrative in the *Brutus* by emphasizing the extent to which Cicero interweaves judgments of the Atticists with those of earlier orators. The *Dialogus* argues tendentiously, but does so by highlighting the equally tendentious narrative in Cicero's reconstruction of the Roman past. Just as Cicero's historical narrative leads to his achievements as orator and statesman, his examples of innovation brought changes which the Atticists would not embrace, leading to their ineffectiveness.[49] "But whenever these Atticists speak they're not only abandoned by the circle of listeners – lamentable enough in itself – but even by the supporters of their case" (*at cum isti Attici dicunt, non modo a corona, quod est ipsum miserabile, sed etiam ab advocatis relinquuntur*, *Brut.* 289). Aper reworks the criticism: "listeners don't flock to those speaking before a judge in

[48] *Brut.* 297–9 with Goldberg (1995) 8.

[49] Thus the vocabulary *exilitas/exilis* ("leanness," "meagreness,") describes both older (82, 106) and Attic styles (284, 289). (*Orator* and *Dialogus* avoid the term.)

the ancient fashion, the people don't listen, and the client hardly endures it" (*quos more prisco apud iudicem fabulantis non auditores sequuntur, non populus audit, vix denique litigator perpetitur*, 23.3). Aper has virtually lifted the scenario from Cicero's criticism of the Atticists, using the anti-Atticist rhetoric to carry the anti-antiquarian point. The main criterion for oratory is its effectiveness and a speaker's ability to captivate and guide an audience. Aper is being thoroughly Ciceronian by rejecting late-republican habits when they no longer fit modern conditions, for that standard was itself entirely Cicero's. Cicero knew that an orator must accommodate himself to an audience, which allows Aper to take Cicero's evolutionary scheme past Cicero.[50] Tacitus repeats Cicero's values without replaying the historical dispute with the Atticists.[51] The framework is Ciceronian, the context Tacitean.

In the dispute over plurality of style, whether to prefer a single age or instead the greatest variety, the difference cannot be arbitrated solely on the basis of the arguments presented in the *Dialogus*. Further clues in Quintilian reveal some possibilities. Messalla's appeal to the *facies eloquentiae* over the *imago* effectively serves his stated position: *ita nec praeceptor deerat, optimus quidem et electissimus, qui faciem eloquentiae, non imaginem praestaret* ("and neither was a teacher wanting – I mean the best and choicest – in order to provide the true aspect of eloquence, not its mere semblance," 34.5). He points us back to two statements in Quintilian.[52] The same semantic distinction occurs in the observation that we cannot copy a single model because we can never hope to equal it: *quidquid alteri simile est necesse est minus sit eo quod imitatur, ut umbra corpore et imago facie et actus histrionum veris adfectibus* ("it's necessary that whatever is like some else must be less than what is imitated, as shade is less than body, semblance than aspect, and the actor's performance less than true feelings," *Inst.* 10.2.11). The surrounding argument holds that the modern day must build on and surpass what has come before. A closer connection of *facies* to the debate over stylistic plurality comes in Quintilian's long discussion of style (12.10):

[50] Scodel (1987) 215 captures the idea in discussing Horace's claims to innovation: "the true carrier of a tradition is not the slavish imitator but the poet who adapts his master in the same spirit in which the master adopted his own predecessors."

[51] Aper had already narrated that debate at 18.4–6.

[52] Fantham (1978a) 114 n. 38 sees Messalla's distinction as a terminological quibble in response to Cicero and Quintilian. I see it rather as a meaningful pointer to Quintilian, which requires us to consider Messalla's argument in light of the immediate predecessor. It is worth noting the context of Messalla's claim: it is the teacher (*praeceptor*) who would show students true eloquence.

> Plures igitur etiam eloquentiae facies,[53] sed stultissimum quaerere ad quam se recturus sit orator, cum omnis species, quae modo recta est, habeat usum, atque id ipsum non sit oratoris quod vulgo genus dicendi vocant: utetur enim, ut res exiget, omnibus, nec pro causa modo sed pro partibus causae.
>
> And so there are a great many forms of eloquence, but it's very foolish to seek one out as a guide, since every correct type has a use, and that thing commonly called the orator's style (*genus dicendi*) doesn't belong to an orator. You see he will use all of them as circumstances dictate, not only in a given case, but in the parts of a case. (*Inst.* 12.10.69)

Aper shares Quintilian's sentiment: *nec quaero quis disertissimus* ("I won't ask who's the most well-spoken," 18.3) is followed by his *genus/species* distinction. Here we see how Aper rather than Messalla is Quintilian's standard-bearer. Aper's analysis of the late-republican canon does favor Cicero, but without insisting on the best model, precisely because that decision implies that one should, or even could, follow a single speaker.[54] The aim is not to rank but to find the unique value of each predecessor.

Messalla's periodization is further complicated by his own discussion of it. The detailed criticisms of Maecenas ultimately demonstrate that the generation of the *antiqui* can just as easily produce outlandish specimens of oratory.[55] Diversity within an age also reflects the diversity of opinions about literary practice within an age. Aper notes that the orators of Cicero's day disagreed about the direction of oratory, and Messalla readily concedes the point. To unify an age in retrospect is one of the tendentious, if necessary, habits of literary history. Horace falls into this trap in reconstructing forerunners for Roman poetry. His famous claim (*S.* 1.4.1–7) that Ennius depended entirely on Eupolis, Cratinus, and Aristophanes, the main representatives of Old Comedy, glosses over the fact that they were not a unified literary cadre, but poets who competed openly with one another. His reconstruction of early Roman poets also overlooks their own competitive quarrels (*Ep.* 2.1.50–62), such as Ennius' famous criticism of Naevius' treatment of the First Punic War.[56] The lesson is not so much that we cannot talk about the past as that the process requires inevitable distortions

[53] These are the only two combinations of *facies* and *eloquentia* in classical Latin – it is perhaps significant that Messalla uses the singular and Quintilian the plural; grammatical number reflects their views on plurality of style.

[54] Like Quintilian, but with more restraint, Aper most values Cicero – again a paradox that complicates the picture of him as exclusively "modernist." His modernism is based on acknowledging the value of the past along with its limitations.

[55] Chapter 5 discusses the problems with Maecenas as an *exemplum* of rhetorical decline.

[56] *ROL* 231–4 (quoted at *Brut.* 76 and 71). Horace did notice differences when it suited his point: Lucilius criticized Accius and Ennius (*S.* 1.10.53–5).

of what were once meaningful differences, which points up a significant limitation in periodization.[57] It is not the claims about the past, but the procedures of periodization and the supporting evidence which Tacitus brings under scrutiny. It also reminds us that even the surface neutrality of Messalla's arguments, for example, the likening of the Athenian canon to Rome's late-republican cohort (25.3, discussed below) is called into question not because of Messalla's classicizing preferences, but because of what it means to structure the past in this way. Canons valuably and necessarily organize material, but can just as equally inhibit development.

If static periodization is not fully endorsed, what are the alternatives? One involves seeking out continuity with the past while also suggesting continued change. Aper attempts to bridge the difference by disputing the term *antiqui*, a tactic most explicitly pursued by Horace about a century earlier. In working from this background Tacitus again shows the value and the limitations in the inherited vocabulary of the literary-critical tradition.

At *Epistles* 2.1.34–49, Horace goads reactionary admirers of the *antiqui*:

> si meliora dies, ut vina, poemata reddit,
> scire velim chartis pretium quotus adroget annus.
> scriptor abhinc annos centum qui decidit, inter
> perfectos veteresque referri debet an inter
> vilis atque novos? excludat iurgia finis.
> "est vetus atque probus centum qui perficit annos."
> quid? qui deperiit minor uno mense vel anno,
> inter quos referendus erit: veteresne poetas
> an quos et praesens et postera respuat aetas?
> "iste quidem veteres inter ponetur honeste
> qui vel mense brevi vel toto est iunior anno."
> utor permisso, caudaeque pilos ut equinae
> paulatim vello et demo unum, demo etiam unum,
> dum cadat elusus ratione ruentis acervi
> qui redit ad fastos et virtutem aestimat annis,
> miraturque nihil nisi quod Libitina sacravit.
>
> If time produced greater poems, as it does wine,
> I'd like to know which year bestows value upon writings.
> The writer who died a hundred years ago, should he
> be placed among the perfect and ancient or among
> the despicable and new? Let some limit banish arguments.

[57] A sober admission at Perkins (1992) 27: "We must perceive a past age as relatively unified if we are to write literary history; we must perceive it as highly diverse if what we write is to represent it plausibly."

> "He is ancient and valuable who completes 100 years."
> Well, if he died a month or a year younger,
> among which group should he be placed? Among the ancient poets
> or those whom both the present day and the future should reject?
> "That man surely can be honorably placed among the ancients,
> who is only one short month or even a full year younger."
> I'll make use of your indulgence, and like the hairs in a horse's tail
> I'll pull away one and then another, little by little,
> until, as in the case of the falling sand heap, that man is fooled and falls,
> who goes back to the annals and judges value by years
> and marvels at nothing but that which Libitina has made sacred.

Horace mocks the logic that reveres ancient poetry simply by virtue of its age. The real thrust of his argument contests the arbitrary division of the old from the new. He satirizes the claim of an imagined interlocutor that 100 years separates the praiseworthy from the despicable. The extended explanation of removing hairs from a horse's tail draws on the traditional philosophical problem of the *sorites* (sing. *soros*, "pile," "heap"). The logical puzzle commonly involved the heap of sand from which single grains were removed: at what point in the subtraction is the heap no longer a heap?[58] Analogy by contrast drives home the point: unlike good wine, the passage of time does not ensure a poem's value, which readers determine through other means.[59]

When Aper comes to dispute the meaning of the term *antiqui*, he argues the relative nature of the term by recourse to Cicero's discussion of the "One Great Year" in the philosophical dialogue, *Hortensius*:

> ex quo apparet non multo plures quam trecentos annos interesse inter nostram et Demosthenis aetatem. quod spatium temporis si ad infirmitatem corporum nostrum referas, fortasse longum videatur, si ad naturam saeculorum ac respectum immensi huius aevi, perquam breve et in proximo est.
>
> From which it becomes clear that not much more than 300 years exist between our age and that of Demosthenes. And if you assess this amount of time by reference to the health of our bodies, perhaps it may seem long, but if you assess it by reference to the nature of generations and with consideration of this immense age [*sc*. Cicero's One Great Year], it is extremely short and very near. (16.6)

[58] On the philosophical use see Cic. *Luc*. 49; Sen. *Ben*. 5.19.9.

[59] This is part of a larger response to Cicero's oenological analogy (*Brut*. 187–8), which is discussed below. Cicero's appeals to the "softening" effects of aging wine, but points out that older speakers, like wines, fade with too much age. While Horace shares these same criteria, as in the opposition *durus/mollis*, he nevertheless reverses Cicero's polemic by showing the potential misapplication of the analogy to (static) texts rather than to (evolving) stylistic values.

Aper makes a case for the relative proximity of the Greek orators, claiming that their premier representative, Demosthenes, is temporally closer than one might think. To begin with Demosthenes may look like conventional oratorical history, but Aper then modifies the account:

> nam ut de Cicerone ipso loquar, Hirtio nempe et Pansa consulibus, ut Tiro libertus eius scribit, septimo idus <Decembris> occisus est, quo anno divus Augustus in locum Pansae et Hirtii se et Q. Pedium consules suffecit. statue sex et quinquaginta annos, quibus mox divus Augustus rem publicam rexit; adice Tiberii tris et viginti, et prope quadriennium Gai, ac bis quaternos denos Claudii et Neronis annos, atque illum Galbae et Othonis et Vitellii longum et unum annum, ac sextam iam felicis huius principatus stationem, qua Vespasianus rem publicam fovet: centum et viginti anni ab interitu Ciceronis in hunc diem colliguntur, unius hominis aetas.
>
> Take the case of Cicero: as his freedman Tiro wrote, he was killed on 7th December, in the consulship of Hirtius and Pansa, in which year the deified Augustus had himself and Quintus Pedius replace Pansa and Hirtius as suffect consuls. Put first 56 years, in which the soon-to-be deified Augustus ruled the Republic; add Tiberius' 23, nearly 4 of Gaius, twice 14 for Claudius and Nero, that one long year of Galba, Otho, and Vitellius, and the sixth stage[60] of this now thriving principate, in which Vespasian fosters the Republic: only 120 years are reckoned from the death of Cicero to this day, the lifespan of a man. (17.2–3)

In the present case Aper lists out 120 years since the death of Cicero, a point he makes in order to challenge the idea that Cicero's age is distinct from the present day. Commentators have often rejected Aper's arguments for their apparent sophistry, essentially repeating Messalla's response that this is a mere terminological quibble. The framework carries a more sophisticated and traditional point. Aper makes not simply an argument about the *saeculum*, but seeks to equate *eloquentia* with avenues of power. This characteristic of rhetoric goes back at least to Plato's *Gorgias*, in which the significance of the connection can be read by Socrates' objections to the morally ambiguous power of public speakers.

Aper's trick is itself Ciceronian, for Cicero in his grand scheme of oratorical history seeks a connection between his own consulship of 63 BCE and the consulship of Cethegus 140 years earlier; with Cethegus, if Cicero's take on Ennius is to be believed, eloquence first garnered notice at Rome. Indeed, Cicero will pause to wonder that a speaker as accomplished as

[60] The meaning of *statio* here is disputed, denoting either the "sixth year" or else the "sixth principate," suggesting that Vespasian is the sixth (legitimate?) holder of that office. The complications are numerous and do not affect the argument here. Chapter One discusses the issue (with bibliography).

Curio (124), a rough coeval of Gaius Gracchus, did not make it to the consulship – as if great eloquence were a main prerequisite for the office.[61] Aper's attempt at periodization is entirely of a piece with his earlier likening of the social independence of the orator with the autonomy of the *princeps*. Maternus too will liken the poet to the nearly divine power accorded to both Vergil and Augustus (13.1–2), an appropriately "poetic" counter to Aper's association of orator and *princeps*.[62] Cicero no less tendentiously connects power to the history he requires. Through Aper and Maternus, Tacitus once again borrows but then updates Cicero's categories.

Horace similarly promotes change by aligning innovation with the status of Augustus: *sed tuus hic populus sapiens et iustus in uno, te nostris ducibus, te Grais anteferendo* ("But this people of yours is wise and just in one thing, judging you above Roman and Greek leaders," *Ep*. 2.1.18–19).[63] By implicit analogy Horace expects that modern poets will likewise surpass both Greek and Roman predecessors. Aper reflects the Roman tendency to equate *eloquentia* and power and to explain the changes in standards of artistic production. But the implication, seen in the differences between Cicero and Horace, is that now the emperor has become the locus of power around which to structure explanations of literary change. The seeming artlessness of consulships or reigns, the Julio-Claudians or Flavians or Antonines, derives from our own interest, based partly in the evidence of the ancient world, in chronological reckoning through the tenure of office; but familiarity with these historical markers can mask the cultural work that such implicative schemes carry out. Even Quintilian suggestively aligns his project and personality with the imperial dispensation. He was tutor to the children of Flavius Clemens and Flavia Domitilla, the grandsons of Domitian's sister (*Inst*. 4 *praef*. 2), who were to be the emperor's heirs (Suet. *Dom*. 15). Quintilian likens his own position to the role earlier professional rhetoricians, Apollodorus and Theodorus, had in training Octavian (Augustus) and Tiberius (3 *praef*. 17–18). The point is made only implicitly, but Quintilian thereby demonstrates his succession to past authorities and grounds his authority in that of the emperor.[64]

[61] Maternus offers a similar point: "nor could anyone in those days acquire great power without some eloquence" (*nec quemquam illis temporibus magnam potentiam sine aliqua eloquentia consecutum*, 37.3).

[62] Chapter 4 discusses the passage at greater length, including how it undermines the modern interpretation of Maternus' "anti-principate" stance in the first speech.

[63] Feeney (2002b) notes the conflation of poet and *princeps* in this poem, drawing on Barchiesi's (1997) formulation of the general phenomenon.

[64] This is, of course, in addition to his actual appointment to the chair of rhetoric, but that office need not entail the same kind of implicit status or a plausible narrative of succession legitimized by

Aper will go on to dispute the arbitrary correspondence of the *antiqui* to the age of Cicero:

> proximo quidem congiario ipsi vidistis plerosque senes qui se a divo quoque Augusto semel atque iterum accepisse congiarium narrabant. ex quo colligi potest et Corvinum ab illis et Asinium audiri potuisse; nam Corvinus in medium usque Augusti principatum, Asinius paene ad extremum duravit: ne dividatis saeculum et antiquos ac veteres vocitetis oratores quos eorundem hominum aures agnoscere ac velut coniungere et copulare potuerunt.
>
> At the last *congiarium* you yourselves saw a great number of old men, who told how they had repeatedly received the *congiarium* even from the divine Augustus himself. From this it can be deduced that they could have heard both Corvinus and Asinius. For Corvinus lasted into the middle of Augustus' principate and Asinius almost to the end; I point this out so that you won't divide our generation and repeatedly call those orators ancient and inveterate, whom the ears of the same men could perceive and, as it were, join and connect. (17.5–6)

The present day's older generation heard the youngest representatives of the Ciceronian age, Messalla Corvinus and Asinius Pollio. This same audience, in turn, also listens to modern orators and consequently forms a notional bridge between the two ages. The logic may strike the modern reader as overly playful or even casuistic, since we often regard the aesthetic of an era as a function of its individual authors' styles. Aper, however, imagines a sort of acoustic community that regulates oratorical change as it connects the past and the present. The assertion remains of a piece with his general contention that audiences largely shape rhetorical practices.[65] He emphasizes the continuity of audience between two allegedly separate generations. The idea that a man's lifetime could connect notionally distinct ages surfaces in *Brutus*, as Hortensius bridges older and younger generations (*Brut.* 229–31). Cicero meticulously fashions synchronic patterning: oratory reached its *prima maturitas* in Crassus' speech in favor of the *lex Servilia*, and Cicero is eager to tell us that this speech fell in the year of his own birth (*Brut.* 161). Cicero's life is concomitant with the *aetas eloquentiae* in full bloom.[66]

tradition. Implicit reference also saves Quintilian from a detail which he would not have wished to express, the association with Greek rhetoricians; he squarely places himself among the Romans (3.1.19–21). My understanding of these passages owes a debt to discussion with Kendra Eshleman, whose book (Eshleman [2013]) examines sectarian belonging and succession.

[65] Cf. especially sections 19 and 20 of Aper's speech, where he explains the need for an orator to respond to an audience's tastes.

[66] On synchronic patternings as a general cultural habit, see Feeney (2007) 7–42. Cicero has already set us up to draw the comparison: his insistence on Ennius' succession of Livius Andronicus offers a poetic precedent for Cicero's oratorical biography. Just as Ennius (b. 239 BCE) was born on the

Optimism in the continuity of oratorical models is what we find in Quintilian: *nam erit haec quoque laus eorum, ut priores superasse, posteros docuisse dicantur* ("You see they too will have such distinction as to be said to have outdone their predecessors and taught their descendents," *Inst.* 10.2.28). The transmission of the past, either through texts or orally, was the abiding service of past generations and an obligation of the present.[67]

Messalla's initial response to Aper at 25.1 may be the best section against which to read Horace's challenge to the arbitrary division of ancients from moderns:

> neque enim diu contra dicendum est Apro, qui primum ut opinor nominis controversiam movit, tamquam parum proprie antiqui vocarentur quos satis constat ante centum annos fuisse.
>
> Indeed I won't have to spend much time countering Aper, who first, in my opinion, introduced a mere terminological quibble, claiming that those men are improperly called ancient, who clearly existed more than 100 years ago. (25.1)

Messalla scarcely deigns to counter Aper's contention that the passage of 120 years insufficiently justifies the use of the term *antiqui* for the orators of Cicero's age. However, Messalla's reference to 100 years makes for an odd choice, especially as Aper carefully calculated, year for year, 120 years since the death of Cicero. Furthermore, just prior to Messalla's statement at 25.1, Maternus expressly reiterates that calculation.[68] Likewise, Messalla's assertion that Aper has engaged in mere verbal quibbling hardly refutes his claims. Both the superficial thrust of Messalla's argument and its striking mention of 100 years rather than 120 have left scholars perplexed as to its actual purpose.[69] Messalla's response might initially seem like more of

heels of Livius' first poetic production (240 BCE), so Cicero succeeds Crassus' famed speech. A second parallel draws attention to Cicero's role not as orator but as historian of oratory: Ennius was also the first poetic cataloguer of *eloquentia* (Cethegus as the *Suadai medulla*, 59) in the same way that Cicero is the first orator to write such a history (*Brut.* 60 notes Ennius' crucial role in saving oratorical memory for posterity). See now Welsh (2011) on the broader relevance of Cicero's redatings.

[67] Cf. *de Orat.* 1.157 with Fantham (1978b) 9–10. Fantham (1978b) 10 remarks: "*Imitatio* depends on direct experience, or memory; when memory is damaged, *imitatio* becomes impossible and continuity ceases." Messalla's criticism of the present day accordingly takes aim at its forgetting of ancient custom (*oblivio moris antiqui*, 28.2). We may question the efficacy of oral transmission, but not its cultural relevance: Aper's claims are rooted in a Roman understanding of tradition.

[68] "Especially since a reckoning of time calculates 120 years since the death of Cicero to this day" (*cum praesertim centum et viginti annos ab interitu Ciceronis in hunc diem effici ratio temporum collegerit*, 24.3). The language repeats, almost verbatim, Aper's statement at 17.3.

[69] Recent commentaries (with the exception of Güngerich [1980], for which see *infra*) have generally overlooked Messalla's statement here; e.g. Michel (1962b) and Mayer (2001).

the dialogue's politic bonhomie. Alternatively, it may suggest a limited concession to Aper's dispute of the term *antiqui*.[70]

The Horatian context suggestively accounts for its purpose, as Tacitus introduces an intertextual sleight of hand. Tacitus employs Messalla's statement in reference to Horace's sardonic contestation of 100 years as the limit that sanctions the *antiqui*. This background suggests how to assess both Aper's claims and Messalla's response. Far from contradicting Aper, the allusion plays into his arguments. Messalla's specific mention of 100 years – the imaginary target of Horace's criticism – continues the reference to *Epistles* 2.1; however, this association ironically groups Messalla with those whom the Epistle satirizes. The Horatian context seems to undermine Messalla's argument, and we could consider Messalla's rejection of Aper's position as ultimately a paradoxical confirmation of Aper's claim. More than anything else, however, the intertextual background presents us with a broader dilemma: does Messalla simply "misappropriate" Horace or show instead that arbitrariness is a necessary condition of literary history? These may be competing but not mutually exclusive options.[71]

In addition to the overt challenge to *antiquus*, the *Dialogus* gradually develops different models of periodization. In this respect Tacitus again shares ground with Horace and Cicero. In particular Horace's tripartite periodization recurs in Tacitus' history of oratory. Horace was deeply implicated in Latin literature's appropriation of Greek literary forms and still esteemed Lucilius an active participant in the adaptation of Greek models:[72]

[70] Bonhomie: Güngerich (1980) 107–8. Concession: Güngerich (1980) 108 provides an explanation in this vein: "Aper hatte 17,3 vom Tode Ciceros an 120 Jahre errechnet, und dies hatte Maternus 24,3 zitiert. Messalla erwähnt aber den Tod Ciceros nicht. Manche der 'klassischen' Redner hatten länger gelebt als er (vgl. 17,6), und gerade im Hinblick auf sie hatte Aper die Benennung *antiqui* zurückgewiesen." ("At 17.3 Aper had calculated 120 years since the death of Cicero, and Maternus had cited this at 24.3. However, Messalla does not mention Cicero's death. Some of the 'classical' orators had lived longer than he (cf. 17.6), and Aper had rejected the designation *antiqui* precisely in regards to them.") The text here does not support an implicit reference solely to the "later classical" orators (Messalla Corvinus and Asinius Pollio), nor would such a reference sufficiently explain Messalla's statement. If Messalla does think solely of these two orators, 100 years seems hardly a better choice than 120 years. Asinius lived until 5 CE, Messalla until 8 or 13 CE, about 60–70 years before the work's setting. The answer must lie elsewhere.

[71] Perkins (1992) 63–8 outlines the necessary distortions of periodization. Cf. also Steel (2002) on Cicero's "failure to inscribe himself into the canon" laid out in the *Brutus* (citing political motivations); Charrier (2003) argues that the *Brutus* leaves open the possibility of a future for *eloquentia* based on patterns from the past. The open-ended quality of the *Brutus*, including Cicero's refusal to appear in his own oratorical history, should be compared to Tacitus' failure to slot the *Dialogus* into the literary historical terms that it has laid out, as discussed in Levene (2004).

[72] Horace famously claims: *Graecia capta ferum victorem cepit et artis | intulit agresti Latio* ("Captured Greece captured its wild conqueror and brought its arts to rustic Latium," *Ep*. 2.1.156–7). Compare Cic. *Brut*. 254: *quo enim uno vincebamur a victa Graecia* ("the only field [*sc*. oratory] in which we were being conquered by conquered Greece"). Quintilian thought satire entirely Roman: *satura . . . tota nostra est* (10.1.93).

> Eupolis atque Cratinus Aristophanesque poetae
> atque alii, quorum comoedia prisca virorum est,
> si quis erat dignus describi, quod malus ac fur,
> quod moechus foret aut sicarius aut alioqui
> famosus, multa cum libertate notabant.
> hinc omnis pendet Lucilius, hosce secutus
> mutatis tantum pedibus numerisque.
>
> The poets Eupolis, Cratinus, and Aristophanes,
> and the others to whom Old Comedy belongs,
> if anyone deserved to be depicted, because he was bad or a thief,
> because he was an adulterer or murderer or in any other way
> infamous, they marked him out with considerable freedom of speech.
> Lucilius depends wholly upon these, following in their footsteps, and
> having modified only their meter and rhythm. (*S.* 1.4.1–7)

Lucilius participated in a developmental process that involved the adaptation of Greek forerunners. While Lucilius may have altered meter and rhythm, he fashioned the pointed criticism of individuals upon a Greek last.[73] Horace partly portrays the "invention" of satire as the transformation of Greek Old Comedy. He reiterates this connection at *Satires* 1.10.16–17: "In this did those men obtain renown, who wrote Old Comedy; in this we should imitate them" (*illa scripta quibus comoedia prisca viris est | hoc stabant, hoc sunt imitandi*). Old Comedy embodies a resource for his own literary imitation as well. In many ways, he confronts a challenge similar to Lucilius' in the writing of satire. However, the fundamental difference – and this will become significant for the *Dialogus* – rests in Horace's claims to innovation and the developmental narrative that he envisions for the genre. *Satires* 1.4 and 1.10 outline three phases of literary development: a Greek forerunner (Old Comedy), Roman adaptations (Lucilius), and a modern innovator (Horace). Cicero likewise locates three main stages for oratory: Greece, earlier Romans, and the period around his own lifetime, but his version of Roman autonomy from Greek predecessors means that he does not see Roman forms as direct adaptations of Greek forms in the same way as Horace and other poets do.

The developmental narrative of *eloquentia* in the *Dialogus* is spread across statements of different speakers, as Maternus' first speech and Aper's second

[73] Satire, of course, had a rich tradition at Rome, and this statement should not be read as a denial of its variety on the part of Horace. However, Horace does partly narrate satire's development in the terms outlined above, and the *Dialogus* adapts this narrative to its own purposes. For discussion of the genre's evolution, see Fiske (1920), Scholz (1986), Scodel (1987), Freudenburg (1993) and (2001), and Braund (2004).

speech establish a view of literary history comprised of three phases.[74] In his first speech, Maternus comments on the recognition accorded to orators and poets:

> vel si haec fabulosa nimis et composita videntur, illud certe mihi concedes, Aper, non minorem honorem Homero quam Demostheni apud posteros, nec angustioribus terminis famam Euripidis aut Sophoclis quam Lysiae aut Hyperidis includi. plures hodie reperies qui Ciceronis gloriam quam qui Vergili detrectent; nec ullus Asini aut Messallae liber tam inlustris est quam Medea Ovidi aut Vari Thyestes.
>
> Or if these [*sc*. mythical examples] seem too story-like and made-up, you'll surely concede the point, Aper, that Homer acquired no lesser renown than Demosthenes among posterity, and that the fame of Euripides and Sophocles is not circumscribed by narrower limits than the fame of Lysias or Hyperides. You'd find a great many men today who would attack Cicero's glory rather than Vergil's. No book of Asinius or Messalla is as renowned as Ovid's *Medea* or Varius' *Thyestes*. (12.5–6)

In terms of renown, past poets outstrip their oratorical counterparts. Maternus implicitly creates a distinction among periods that, at the surface, merely separates the Greeks from the Romans. Significantly, however, his list of classical Roman orators runs from its earliest representative, Cicero, to the two youngest, Asinius Pollio and Messalla Corvinus. They bookend the "Ciceronian age," whose seven members Aper later spells out (17.1). Yet the poets cited, while apposite comparisons in terms of relative fame and status, still differ chronologically; they are from the Augustan Age.[75] Although Maternus' argument ostensibly addresses the fame accorded to poets and orators, his choice of models also introduces a slight temporal disparity in the two groups under discussion. He establishes an implicit parallel between the classical and predominately republican period of oratory and its poetic counterpart in the – slightly later – age of Augustus.[76] Maternus continues to compare poets and orators when moving to the

[74] For discussion of the work's developing conception of literary history throughout the speeches, see Levene (2004). I discuss, however, an entirely different aspect of the *Dialogus* from Levene.

[75] Asinius Pollio and Messalla Corvinus lived considerably longer than the other five "classical" orators and thus some chronological overlap exists between this group and the Augustan poets. However, the work's inclusion of Asinius Pollio and Messalla Corvinus, I would argue, acts to underscore the complexities of any strict division between Republic and Empire, while still allowing Maternus and Messalla to argue in these historical terms. Indeed, the presence of these two figures frequently complicates the views held by Messalla and Maternus: cf. Luce (1993a) 35 n. 76 and Levene (2004) 175 n. 52. Aper's view of literary history, discussed below, acutely exploits this overlap for the version of literary history that he proposes.

[76] This shift in periodization obtains its full relevance when complemented by Aper's analysis of the orators of Cicero's age (21.1–23.4), discussed *infra*.

third stage, the modern period: "And not even in our day does Pomponius Secundus fall behind Domitius Afer in either the dignity of his life or the longevity of his fame" (*ne nostris quidem temporibus Secundus Pomponius Afro Domitio vel dignitate vitae vel perpetuitate famae cesserit*, 13.3). The discussion of two figures of "our times," *nostris temporibus*, refines the distinction made earlier between Greeks and Romans, adding a third phase, which divides the modern and classical periods of Roman letters.

Aper's second speech complements the categories that Maternus establishes, while presenting a number of refinements to the overall picture of literary history. When Aper comes to dispute the meaning of the term *antiqui*, he initially distinguishes between the age of Demosthenes and "our age" (*inter nostram et Demosthenis aetatem*, 16.6). He takes Greek orators as the first phase of oratory, upon which the Roman tradition built. The second stage encompasses the age of Cicero, comprised of seven figures: *Ciceronem et Caesarem et Caelium et Calvum et Brutum et Asinium et Messallam* (17.1).[77] Against this canon of "classical" orators the interlocutors measure prior and subsequent change.[78] Aper then passes to the third phase, modern orators. In particular, he names Cassius Severus[79] as the watershed marking recent stylistic developments:

> nam quatenus antiquorum admiratores hunc velut terminum antiquitatis constituere solent, qui <...> usque ad Cassium <...> quem reum faciunt, quem primum adfirmant flexisse ab illa vetere atque derecta dicendi via, non infirmitate ingenii nec inscitia litterarum transtulisse se ad aliud dicendi genus contendo, sed iudicio et intellectu. vidit namque, ut paulo ante dicebam, cum condicione temporum et diversitate aurium formam quoque ac speciem orationis esse mutandam.
>
> So you see the partisans of the ancients make this man some kind of boundary of antiquity, which(?) . . . until Cassius . . . whom they charge, asserting that he first bent away from the good old straight path of speaking; I'd say he didn't move to this new style of speaking because of some sickness of his inborn nature or because of ignorance of literary culture, but with discriminating judgment. You see he saw, as I was just a moment ago saying, that the form and appearance of oratory must adapt in sync with the circumstances of a period and changes in taste. (19.1–2)

[77] Mayer (2001) 141–2 discusses the grouping together of these orators in Quintilian's *Institutio Oratoria*, from which Aper seems, partly, to draw his model.

[78] The interlocutors tacitly adopt these figures as the canon of classical orators. See, for example, Maternus' remarks at sections 12.5–6, discussed *infra*. Messalla's nostalgic praise for the orators of the republican age operates in these terms as well, e.g. at 25.3. Messalla, however, appears reluctant to include his own ancestor, Messalla Corvinus.

[79] 44(?) BCE–*c.* 35 CE. See Goldberg (1999) 232–3 on his literary and forensic styles; Heldmann (1982) 163–98 on his importance to rhetorical change; Rutledge (2001) 209–12 for his *vita*.

In the most recent stage Cassius ushered in a new oratory by accommodating eloquence to the modern era. By means of talent (*ingenium*), learning (*neque inscitia litterarum*), and reasoned judgment (*iudicio et intellectu*), he introduced changes that rendered oratory necessarily different from its Ciceronian incarnation. Thus, while Aper's contestation of the term *antiqui* proposes a notional union between the Ciceronian and the modern ages, his stylistic criticism of the former divides those two groups based on aesthetic criteria.

The introduction of Cassius Severus here is not accidental nor is it unrelated to Cicero's texts: Tacitus has it follow immediately upon Aper's discussion of the disputes between Cicero and his contemporaries, between the Atticists who considered Cicero too unrestrained and who championed a refined "Attic" style. Cassius as watershed figure is modeled on Cicero's description of the Greek orator Demetrius of Phalerum (*c.* 350–283 BCE) at *Brutus* 37–8:[80]

> Phalereus enim successit eis senibus adulescens eruditissimus ille quidem horum omnium, sed non tam armis institutus quam palaestra. itaque delectabat magis Atheniensis quam inflammabat. processerat enim in solem et pulverem non ut e militari tabernaculo, sed ut e Theophrasti doctissimi hominis umbraculis. Hic primus inflexit orationem et eam mollem teneramque reddidit et suavis, sicut fuit, videri maluit quam gravis, sed suavitate ea, qua perfunderet animos, non qua perfringeret, [et] tantum ut memoriam concinnitatis suae, non, quemadmodum de Pericle scripsit Eupolis, cum delectatione aculeos etiam relinqueret in animis eorum a quibus esset auditus.
>
> You see, as a young man Demetrius succeeded the old generation, himself the most learned of all these, but less equipped with weapons than with wrestling moves. He would entertain rather than inflame the Athenians, since he met the sun and dust of activity not from the soldier's tent, but from the shady retreats of Theophrastus, that most learned man. He [Demetrius] was the first to bend speech and render it soft and tender; he preferred to seem charming, as was his nature, rather than forceful, but through a charm with which to flood rather than break through their susceptibilities, so that he only left a memory of refinement and not, as Eupolis says Pericles did, a pleasurable sting in the minds of his audience.

[80] Quintilian's reticent description confirms the association of Demetrius with stylistic change: "although he is said to have first lowered eloquence, I say that he had considerable talent and fluency" (*quamquam is primus inclinasse eloquentiam dicitur, multum ingenii habuisse et facundiae fateor*, 10.1.81). It is not clear if Quintilian relates this to Demetrius' promotion of declamation (2.4.41–2). Quintilian's *inclinasse* is more critical than (*in*)*flectere* in Cicero and Tacitus (although Quintilian distances himself with *dicitur*). The fuller descriptions and significance of a watershed figure in Cicero and Tacitus makes *Brutus* the more revealing parallel.

Demetrius' softness did not leave the pleasurable stings of forceful persuasion in the minds of listeners (unlike Eupolis' Pericles). He responded not to inevitable audience demands but to self-imposed standards of learning – *eruditissimus* is a back-handed compliment in parallel with *doctissimus* for Theophrastus, like the precious attention to detail which Cicero faults in the Atticists. Their fastidious style stems from doctrinaire adherence to learned refinement – a value, Cicero is careful to tell us, which carries no weight among the most important constituency – the untrained masses, who cannot appreciate what all this Atticist fuss is about (*Brut.* 283). The contemporary Atticists practice misguided *dissimulatio* in that their artistry escapes all but the learned and the attentive – yet the point was always to cultivate artistry for palpable effects, not as an end in itself. A poet like Horace could "spurn and keep the impious masses at bay" (*odi profanum vulgus et arceo*, *Carm.* 3.1.1), but it is the masses in the forum "for which eloquence was born" (*cui nata est eloquentia*, *Brut.* 283). This might prove harmless, were it not for the fact that the Atticists – just like Demetrius, whose Attic status Cicero notes (*Brut.* 285) – failed to break down an audience's resistance by commanding its emotions (*Brut.* 279). The Roman inheritors of this "soft" tendency fail to captivate their listeners, who soon desert them (*Brut.* 289).

Cassius and Demetrius do not provide inert narratives of historical change, neat chronological distinctions of one age from another. And while the *Dialogus* could be read in parallel with Cicero's narrative of Greek decline, the terms are ultimately and significantly different. The *Dialogus* steps into the legacy of the *Brutus* while modifying its details, and the watershed figure separating two ages must be read in conjunction with the developmental emphases in each work. Both dialogues subscribe to some idea of development, but the question is really to what extent each is justifiable in the terms laid out by its text. While the watershed figure is a polemic against Atticists in Cicero, in Tacitus it offers an etiology for oratorical change. The signal difference is one of motivation: Demetrius (like the Atticists) bent himself to the pursuit of learning; innovation did not result from observing and understanding audience demands. His style matched his natural and acquired strengths (*suavis* – *sicut fuit*; *eruditissimus*). Aper differently assesses Cassius' motives: his talent (*ingenium*) and erudition (implicit in *nec inscitia litterarum*) neither failed nor controlled him. He accommodated himself to the perceived needs of an audience with judgment and perception – *iudicium et intellectus* – precisely the aspect missing in Cicero's account of Demetrius – and rightly so, because Demetrius' neglect of external circumstances was his undoing – turned

inward, oratory is bound to fail – as it does for Cicero's Atticists. Cicero deftly contrived a historical trap for the Atticists, but Aper reverses the terms; Cassius takes a step forward in the developmental teleology.

This is not to discount Messalla's response:

> equidem non negaverim Cassium Severum, quem solum Aper noster nominare ausus est, si iis comparetur, qui postea fuerunt, posse oratorem vocari, quamquam in magna parte librorum suorum plus bilis habeat quam sanguinis. primus enim contempto ordine rerum, omissa modestia ac pudore verborum, ipsis etiam quibus utitur armis incompositus et studio feriendi plerumque deiectus, non pugnat, sed rixatur.
>
> I won't deny that Cassius Severus – the only one whom Aper dared to name, if he were compared to his followers, could be called an orator, although a good deal of his speeches have more bile than blood. He was the first to spurn the ordering of subject matter, casting aside modesty and restraint of language, and he's clumsy in using the weapons he does employ, often losing balance in his zeal to strike; he doesn't fight; he brawls. (26.4–6)

It is hard to adjudicate between the different assessments of Cassius. Aper's reasoning and Messalla's criticisms are both sound. Messalla's response does reveal the extent to which, in retrospect, a speaker can be dubbed "orator"; – the concession, of course, seriously undermines the idea of the Late Republic as the sole repository of "true speakers" (*oratores*) and seems to confirm the restrospective prejudices in constructing a literary canon: an age only receives its due with the arrival of a new present (cf. 23.6).

Yet the two accounts together reveal further stages in oratorical history, and by reading them together rather than merely as opposed and irreconcilable versions of Cassius, we can see how Tacitus dramatizes their dependence on one another to explain the workings of literary evolution. Messalla is not interested in the reasons for change but in effects: Cassius' disorderly speech. An eminent improviser, slovenliness may have more to do with the fact that his *viva voce* qualities worked poorly on the page.[81] Alternatively, it may suggest, in conjunction with Aper's analysis, that Cassius was an initial response upon which later innovators would need to build. Additional technical refinement must accompany Cassius' concessions to speed and to the impromptu nature of modern oratory. In his laudable insistence on maintaining a live connection to the forensic arena with its demands for swiftness, Cassius' zealous pursuit of a virtue became a vice – he sought *sanguis* but attained *bilis* ("bile," "wrath") – again, a physiological touch of the

[81] Goldberg (1999) 232–3; Mayer (2001) 173.

kind already seen in the Atticism/antiquarianism debates.[82] The repeated term *primus* at 19.1 (Aper) and 26.5 (Messalla) emphasizes Cassius' status as an innovator rather than a perfector. Quintilian notes that "if you examine everything, no art exists exactly as it was invented" (*si omnia percenseas, nulla sit ars qualis inventa est*, 10.2.8), and may owe Cicero a debt: *nihil est enim simul et inventum et perfectum* ("nothing is both discovered and perfected at the same time," *Brut*. 71). This Aristotelian sentiment was a cornerstone of Cicero's developmental story. Aper had already emphasized that Cicero was the first to make a number of significant refinements to oratory which had taken hold in the modern era (22.2); praise of firstness paves the way for the expected innovations that inevitably follow.

This can be seen in the discussion of Cassius' biting sarcasm, which seems to be the main thrust of Messalla's term *bilis*. Cassius himself admitted as much in the delightful joke which Seneca preserves: a staunch defender of Cicero against the declaimer Cestius, Cassius tells how he once mocked Cestius in mid-declamation at home:

> Cestius ex consuetudine sua miratus dicebat: 'si Thraex essem, Fusius essem; si pantomimus essem, Bathyllus essem; si equus, Melissio.' non continui bilem et exclamavi: 'si cloaca esses, maxima esses!' risus omnium ingens.
>
> Cestius was speaking with his usual self-adulation: "If I were Thracian I'd be Fusius; if a pantomime, Bathyllus; if a horse, Melissio." I couldn't hold in my anger (*bilem*) and I shouted: "If you were a sewer (*cloaca*) you'd be the Cloaca Maxima!" That got a good laugh. (*Con*. 3.*pr*.16)

Cassius could not restrain his anger (*bilis*), which Quintilian called *stomachus* ("stomach," "ill-temper"). He could still be read with profit, but by the discerning reader who knew how to avoid his bitterness (*acerbitas, amaritudo*). As usual, Quintilian best isolates the problem: Cassius' impulsiveness could not distinguish the considered *bon mot* from the reckless gibe. The point on humor in the *Dialogus* is that a speaker would get no more traction from Cassius' boorish jeers than from Cicero's "boar juice" (*ius verrinum*).[83] The larger conclusion from Aper's comments and

[82] If we read the larger "discussions" of Cassius against Cicero's Demetrius, then Cicero's antithesis *arma/palaestra* is a useful, if imperfect, analogy to Cassius' misuse of *arma* in Messalla's antithesis *pugnare/rixatur*. *Brutus* 36 ended by noting *sucus ille et sanguis incorruptus* of the classical Athenian orators. Demetrius presumably would not have garnered the same compliment, thus at least suggesting another parallel between Demetrius/Cassius.

[83] The *Dialogus* contains no formal discussion of humor, but criticism of Cicero and Cassius outlines the essentials: be neither too hokey nor too biting. Aper, like Messalla, does not approve of brash wit: "let him flee beastly and tasteless buffoonery" (*fugitet foedam et insulsam scurrilitatem*, 22.5). In comparison with Cicero's lengthy treatment (*de Orat*. 2.216–90) and Quintilian's (*Inst*. 6.3), Tacitus' brevity may serve a point: nothing is less humorous than discussions of humor.

Messalla's criticisms are that the new conditions have not been adequately responded to: Cassius could not fully institute the changes whose necessity he first diagnosed.

Unlike Messalla, Aper and Maternus present a discrimination of stages without absolute breaks between them. This refinement of the division "*antiquus*/*novus*" adds granularity to the construction of literary history. In the Roman tradition, Cicero's *Brutus* is the lengthiest retrospective discussion of the various stages by which oratory could change.[84] Although perhaps never explicitly formulated as such, the division into a greater number of discrete periods is a prerequisite of the Roman teleological model. However the model should not be taken for what it is not: the evolution is not an organic process of accretion – what Zerubavel has called a "legato" style of historical change. Rather we find a "staccato" narrative containing discrete steps in the march of progress.[85] Even the oenological analogy in *Brutus* will not produce a legato narrative – it only illuminates distinctions of harsh from mellow or mellow from outdated, but not the gradual transition between stages (*Brut.* 287–8). The distinct stages in the Roman teleological model are one means to balance the demands of continuity and innovation, by crediting the agents of change but also giving a plausible inevitability to the needs of the present.

The refutation of the privileged position accorded to the *antiqui* leads Horace and Aper to consider the social constraints that oppose innovation. Both describe this resistance to change in emotional terms. Horace insists that envy, *invidia*, underlies the refusal to recognize and embrace literary newness. *Invidia* has often prohibited recognition of the living, as in the mythical example of Hercules: "He who crushed the savage hydra and overcame the notorious monsters – a fateful toil – he learned that envy is conquered only after death" (*diram qui hydram/notaque fatali portenta labore subegit,/comperit invidiam supremo fine domari*, *Ep.* 2.1.10–12). While the Roman people rightly recognize the achievements of Augustus, they otherwise refuse to honor the living:

[84] Schwindt (2000) 96: "Zugleich hat er [Cicero] stärker als alle römischen Literaturhistoriker vor und nach ihm Literaturgeschichte, d.i. im Brutus: *Rhetorik*geschichte, als Entwicklungsgeschichte geschrieben" ("At the same time he [Cicero], more strongly than all other literary historians before and after him, wrote literary history – which in the *Brutus* means *rhetorical* history – as developmental history"). The observation is correct when judged in terms of the quantity of orators examined, the differentiation of stages, and Cicero's insistence on teleological momentum. A qualitative account of "developmental history" is harder to define (and therefore to assess), but the *Dialogus*' version is at least as complex as that in the *Brutus*, and its openness to a range of influences, including social constraints, the renewed prominence of the centumviral courts, and the recentering of power around the *princeps*, gives the narrative remarkable thickness.

[85] Zerubavel (2003) 34–6.

> sed tuus hic populus sapiens et iustus in uno,
> te nostris ducibus, te Grais anteferendo,
> cetera nequaquam simili ratione modoque
> aestimat et, nisi quae terris semota suisque
> temporibus defuncta videt, fastidit et odit.
>
> But this people of yours is wise and just in one thing,
> judging you above Roman and Greek leaders;
> but it doesn't judge other things with the same logic or manner
> at all, and despises and hates, except what it sees in its own time
> as defunct and removed from the earth. (*Ep.* 2.1.18–22)

Exclusive reverence for the dead lacks reason and good measure. At the same time, unfounded contempt creates an insurmountable prejudice against the present, a point that Horace sardonically emphasizes that such a people: "marvels at nothing but that which Libitina has made sacred" (*miraturque nihil nisi quod Libitina sacravit*, *Ep.* 2.1.49). Favoritism of the past results from envy of the present, not from genuine regard for the past: "That man doesn't favor and applaud the talents of the dead, but rather despises our abilities; he jealously hates us and our affairs" (*ingeniis non ille favet plauditque sepultis,/nostra sed impugnat, nos nostraque lividus odit, Ep.* 2.1.88–9). Horace repeatedly deplores that only the dead, for the Roman mind, escape envy and become worthy of veneration.

Quintilian's version unsurprisingly comes in a discussion of the history of rhetorical treatises stretching back to Corax and Tisias among Greeks and to Cato the Elder among Romans (3.1.9). Quintilian demonstrates how instinctively ancient authors tied the motif of "envious disregard for the present" to programmatic assertions:

> sunt et hodie clari eiusdem operis auctores, qui si omnia complexi forent, consuluissent labori meo. sed parco nominibus viventium; veniet eorum laudi suum tempus: ad posteros enim virtus durabit, non perveniet invidia.
>
> There are renowned authors of this same material today too, who, if they had embraced all matters, would have assisted my own effort. But I'll spare the names of the living, since the time will come for their praise: you see, excellence will endure into posterity, but envy won't make it there. (3.1.21)[86]

Aper remarks upon the extent to which captiousness by contemporaries leads to unbridled praise for the past, first with a general remark: "something isn't automatically worse because it's different; however, it's a fault of human spitefulness that the ancient is always praised and the present

[86] Repeating a theme common to historiography, Quintilian notes the extent to which present testimony is subject to allegations of bias unlike examples drawn from the past (10.1.34).

is despised" (*nec statim deterius esse quod diversum est, vitio autem malignitatis humanae vetera semper in laude, praesentia in fastidio esse*, 18.3).[87] He then concludes his second speech with a similar sentiment directed at his fellow interlocutors: "Such that, even if captiousness and envy hinder our judgments, posterity will speak truly of you" (*ut etiam si nostra iudicia malignitas et invidia tardaverit, verum de vobis dicturi sint posteri nostri*, 23.6). By naming posterity as the source of praise for the present generation, Aper implies that his contemporaries will receive only belated acclamation, after their deaths.[88]

The possibility of an "open" or "closed" teleology, that is, whether or not development will continue in a genre, largely depends on one's attitude to canonization. Systems with closed periodization brook no prospect of development. What was good in the past stays in the past. This is Messalla's claim, and its only result is decline. While the *Dialogus* canvasses that possibility, Tacitus shies away from elaboration of its details. In its place we find the model available in Cicero, Horace, and Quintilian: open teleology with development towards contemporary expectations. Aper insists upon the malleability of oratorical standards: "'with a given age's condition and the differences of taste, so too must the form and appearance of speech change" (*cum condicione temporum et diversitate aurium formam quoque ac speciem orationis esse mutandam*, 19.2). Change constitutes an integral part in the establishment of rhetorical norms; even Cicero held the same argument with his contemporaries.[89] The *Brutus* repeatedly details how the agents of change introduced refinements which accomodated the needs of the audience. Seneca the Younger agreed: "speech has no single rule: a nation's custom changes it and it never stands in the same place for long" (*oratio certam regulam non habet: consuetudo illam civitatis, quae numquam in eodem diu stetit, versat*, *Ep*. 114.13). Quintilian cites the influence of the times and tastes (*temporibus et auribus*, *Inst*. 12.10.45) and sets a principle on the observation: *quo quisque plus efficit dicendo, hoc magis secundum*

[87] Compare the similar sentiment at *Annales* 3.55: *nec omnia apud priores meliora, sed nostra quoque aetas multa laudis et artium imitanda posteris tulit*. "And not all things were better among our forefathers, but our age too has delivered to posterity a number of praiseworthy arts that ought to be imitated." See Döpp (1986); Woodman and Martin (1996) 409 n. 2 suggest a connection between Aper's second speech and Horace's *Epistles* 2.1.34–49.

[88] The *Dialogus* permits that claim to come true by rendering a tribute to the greatest speakers of Tacitus' youth. Tacitus claims to repeat their conversation in terms that pay homage to the interlocutors: *disertissimorum, ut nostris temporibus, hominum sermo repetendus esset* (1.2). Chapter 3 discusses this passage at greater length. On *malignitas* in imperial literary criticism, see van den Berg (2008).

[89] "Now I'll come to Cicero, who had the same fight with his contemporaries as I'm having with you" (*ad Ciceronem venio, cui eadem pugna cum aequalibus suis fuit quae mihi vobiscum est*, 22.1).

naturam eloquentiae dicit ("The more successful a man is in speaking, the more he speaks in accordance with the nature of eloquence," *Inst.* 12.10.44). Effective innovation is not a historical accident, but part of the essence of speaking well. When viewed as a model open to evolution through imitation of great forerunners, the ascendancy of the past can guarantee the greatness of the present. Quintilian knew as much and premised his optimism on that knowledge:

> illis haec invenienda fuerunt, nobis cognoscenda sunt. tot nos praeceptoribus, tot exemplis instruxit antiquitas, ut possit videri nulla sorte nascendi aetas felicior quam nostra, cui docendae priores elaborarunt.
>
> They [*sc.* the learned of the past] had to discover these things; we have only to learn them. Antiquity has equipped us with so many teachers and so many examples that no age by any accident of birth can seem to be more fortunate than ours, for whose instruction earlier generations have labored. (12.11.22)[90]

Although envy prohibits acknowledgment of present-day authors and consequently leads to reactionary taste, aesthetic standards develop by necessity. Horace supports this claim by citing innovation in Greek literature: "But if innovation had been as despicable to the Greeks as it is to us, what would now be old? Or what would the public have to read and thumb over, each man individually?" (*quod si tam Graecis novitas invisa fuisset/quam nobis, quid nunc esset vetus? aut quid haberet,/quod legeret tereretque viritim publicus usus? Ep.* 2.1.90–2). All things ancient and venerable were once new, and the Romans now have their Greek classics precisely because the Greeks embraced change. Horace's bantering queries imply that innovation forms a substantive component of aesthetic judgment and literary production. Quintilian agrees:

> quid enim futurum erat temporibus illis quae sine exemplo fuerunt si homines nihil nisi quod iam cognovissent faciendum sibi aut cogitandum putassent? nempe nihil fuisset inventum.
>
> What would there have been at those periods without models if people had thought they should do or think nothing except what they already knew? That's right: nothing would have been discovered. (10.2.4)

It is against his background that we can assess Messalla's discussion of classical periods. Messalla sees Cicero's age as the exclusive repository of good style, and likens the age of Demosthenes to the age of Cicero:

[90] Cf. 10.1.122 and Seneca *Ep.* 79.6: *condicio optima est ultimi: parata verba invenit, quae aliter instructa novam faciem habent* ("the most recent man has the best circumstances: he finds words already at hand which, when arranged differently, assume a new appearance").

> inter Atticos oratores primae Demostheni tribuuntur, proximum [autem] locum Aeschines et Hyperides et Lysias et Lycurgus obtinent, omnium autem concessu haec oratorum aetas maxime probatur, sic apud nos Cicero quidem ceteros eorundem temporum disertos antecessit, Calvus autem et Asinius et Caesar et Caelius et Brutus iure et prioribus et sequentibus anteponuntur.
>
> Demosthenes garners first-prize among the Attic orators, and Aeschines, Hyperides, Lysias, and Lycurgus get second, yet everyone agrees that the age itself is most approved of; in the same way among us Cicero surely outstrips all the good speakers of his own times, yet Calvus, Asinius, Caesar, Caelius, and Brutus are rightly placed ahead of those preceding and following them. (25.3)

If Demosthenes' age was perfect, it is hard to see how Latin oratory could have developed at all. Messalla's view of the canonical Greek and Roman periods, had it been applied in Cicero's day, would have precluded the possibility of oratorical development – we would have no Ciceronian *aetas* to speak of. Furthermore, to skip from the *aetas* of the Greeks to the *aetas* of the classical Romans ignores the long process of development which Cicero sketched out in the *Brutus* and which required close engagement with and imitation of (now) non-canonical precedents. This argument may suffice for the formation of the canon in retrospect but not for the formation of the *orator* in the present.

The shifting nature of literary standards harbors important consequences for the formation of individual judgments. Once teleology has been established as a possibility, it then leads to the prospect of continued change, which will require an explanation (retrodiction), and it is here most of all that the interestedness of literary history rears its head. For Horace and Aper the flexibility of norms spurs them to judge and to compare the past. Horace's phrase *publicus usus . . . viritim*[91] opposes the autonomy of personal taste to the monolithic adulation of the ancients. The term *usus* also designates the customary use of words, upon which Horace further remarks in the *Ars Poetica*: "Many words will be reborn which have already fallen away and many will fall which now hold a place of honor, should usage wish it, in whose hands the judgment, law, and norms of speaking lay (*multa renascentur quae iam cecidere, cadentque/quae nunc sunt in honore vocabula, si volet usus,/quem penes arbitrium est et ius et norma loquendi*, 70–2). Accepted norms of language depend upon common practice, which itself is a dynamic process and susceptible of change.

[91] Quoted above, from *Epistles* 2.1.92.

The malleability of aesthetic standards prompts Horace and Aper to offer their own judgments on literary models. At *Epistles* 2.1.50–62 (quoted above) Horace names nine *scriptores* who are the great bards of the republican period, from Livius Andronicus (first dramatic production in 240 BCE) through Accius (d. 85? BCE). Acknowledgement of their canonical status also comes with the recognition that these writers possess a number of faults, despite their exemplary position:

> interdum volgus rectum videt, est ubi peccat.
> si veteres ita miratur laudatque poetas
> ut nihil anteferat, nihil illis comparet, errat;
> si quaedam nimis antique, si pleraque dure
> dicere credit eos, ignave multa fatetur,
> et sapit et mecum facit et Iove iudicat aequo.
> non equidem insector delendave carmina Livi
> esse reor, memini quae plagosum mihi parvo
> Orbilium dictare; sed emendata videri
> pulchraque et exactis minimum distantia miror.
> inter quae verbum emicuit si forte decorum,
> si versus paulo concinnior unus et alter,
> iniuste totum ducit venditque poema.
>
> At times the crowd sees correctly, sometimes it errs.
> If it admires and praises ancient poets so as
> to prefer nothing else, to compare nothing to them, it's wrong.
> If it thinks that they say some things in too ancient a fashion
> or many things harshly or a great many flatly,
> then it shows taste and agrees with me and judges with Jove's assent.
> Now I'm not inveighing against the songs of Livius or claiming that they
> have to be eradicated; I remember what thrashing Orbilius used to dictate
> to me as a boy. But it astonishes me that they should be regarded
> as cleaned-up, beautiful, and nearly perfect.
> And if among these by chance some choice word shines forth,
> if one or another verse is somewhat more pleasing,
> then these carry away the whole poem and sell it. (*Ep.* 2.1.63–75)

Horace proposes moderated criticism of ancient poets. Their antiquity (*antique*), harshness (*dure*),[92] and flatness (*ignave*) no longer entertain refined contemporaries. Rome's poetic canon continues to provide a resource for the writing of poetry, but also has shortcomings. Aper similarly tenders mixed praise for the orators of Cicero's day (21.1–23.4). He successively elaborates their failures as he notes their laudable traits. For example,

[92] The criticism is like Horace's attack upon Lucilius' "harsh verse," *durus . . . versus*, at *Satires* 1.4.8 (cited above).

the praise of Caelius' speeches admires their splendor and sublimity of style, but criticizes their antiquated moments:

> quid? ex Caelianis orationibus nempe eae placent, sive universae sive partes earum, in quibus nitorem et altitudinem horum temporum agnoscimus. sordes autem illae verborum et hians compositio et incondite sensus redolent antiquitatem; nec quemquam adeo antiquarium puto ut Caelium ex ea parte laudet qua antiquus est.
>
> What then? Surely, those speeches of Caelius please us, either in part or in their entirety, in which we recognize the splendor and sublimity of our day. However, their filthy words, gaping structure, and formless periods reek of antiquity. And I don't think anyone is such an admirer of the ancients that he praises Caelius at those points where he's ancient. (21.3–4, quoted above)

Caelius' speeches contain features readily embraced by the present day, *nitorem et altitudinem horum temporum*, but they founder on their antiquity. In essence, Aper assesses Caelius with regard for the needs of contemporary rhetoric, seeing in him a valuable model, insofar as he fulfills the requirements of modern style. However, Caelius' writings contain the sort of antiquity which the present age ought to avoid. The process reflects the same technique by which Horace assesses ancient poets in *Epistles* 2.1: some passages of ancient poetry merit imitation, but not all ancient poems in their entirety.[93] Horace proposes that modern readers should carefully choose passages worthy of praise (and therefore imitation), a selective procedure that Aper uses in his iterative analysis of the seven canonical orators.[94]

Aper likewise ascribes a prominent role to the continual modification of rhetorical standards when he describes the general willingness to endure long speeches in the Republic: "That earlier people easily endured" (*facile perferebat prior ille populus*, 19.2). However, a shift in taste consequently mandates that orators find new means of expression: "The mass of men standing nearby and the many roaming listeners now customarily demand fineness and beauty of speech, and don't endure in the courtroom a sour and unkempt antiquity" (*vulgus quoque assistentium et affluens et vagus auditor assuevit iam exigere laetitiam et pulchritudinem orationis, nec . . . perfert in iudiciis tristem et impexam antiquitatem*, 20.2). The repeated verb *perferre* contrasts the diminished attention of present audiences with the endurance of their ancient counterparts. What contemporary listeners no longer tolerate necessarily limits and shapes rhetorical practice.

[93] This process of selection occurs at *Epistles* 2.1.61–3 (quoted above).
[94] Again, cf. 21.1–23.4 for criticism and praise of each of these orators.

Aper espouses an eminently modern conception of oratory and its models. In discussing the genres that contribute to the rhetorical arsenal, he claims that both poetry and prose furnish appropriate stylistic resources.[95] His choice of models for imitation accords with his vision of literary development. Aper draws on the tripartite structure of literary history discussed above in order to propose a sophisticated program of literary imitation. His evaluation of the classical age of oratory also addresses that period's reliance upon poetry, as when Asinius Pollio's predilection for ancient models comes under attack:

> Asinius quoque, quamquam propioribus temporibus natus sit, videtur mihi inter Menenios et Appios studuisse. Pacuvium certe ac Accium non solum tragoediis sed etiam orationibus suis expressit, adeo durus et siccus est.
>
> Even Asinius, although he was born in an age closer to our own, seems to me to have trained amongst men like Menenius and Appius. At any rate, he reproduces Accius and Pacuvius not only in his tragedies but even in his speeches; that's how completely harsh and unadorned he is. (21.7)

Aper chides Asinius' antiquated manner of speech, which he compares, perhaps sarcastically, to the style of two early republican orators.[96] Asinius' faults derive from a preference for the language of Pacuvius and Accius, which renders his speeches "harsh" and "dry."[97]

Aper ascribes a significant role to the imitation of verse in the formation of both poetry and oratory, with the subsidiary assumption that outmoded imitation of any genre vitiates style. The mention of two republican tragedians reminds the reader of the poets that Asinius did not imitate. He lived into the first century CE, but favored the authors of an earlier period.[98] The reference to Pacuvius and Accius reprises Aper's slightly earlier exhortation to imitate more recent poets: "Nowadays even poetic refinement is demanded of an orator, and not one sullied by the filth of Accius or Pacuvius, but brought forth from the temple of Horace, Vergil, and Lucan"

[95] Cicero too promoted the use of poetry in oratory, but was much more circumspect in comparison to Aper. Cf. *de Orat*. 3.153 and the praise of poetry at *Arch*. 12. Quintilian 10.1.27–30 discusses the value of poetry both for imitation (but cautions, as does Cicero in *de Oratore*, against extravagance) and as a means of recreation from daily *negotium* (where Quintilian seems to be following *pro Archia*). The significance of Aper's comments is well put by Mayer (2001) 152–3: "the increasing use of poetic language and even syntax in the prose of the Early Principate is indeed remarkable . . . from Aper's remark we learn that it was a deliberate choice."

[96] M. Menenius Agrippa from the fifth/fourth centuries and Appius Claudius Caecus from the fourth/third centuries BCE. For a discussion of Asinius' style, see Quintilian, *Institutio Oratoria* 10.1.113, where he claims that Asinius' speeches seem more old-fashioned than Cicero's.

[97] The adjective *durus* elicits the same criticism that Horace makes of Lucilius' *versus . . . durus* (*S*. 1.4.8, discussed above).

[98] He lived from 76 BCE to 5 CE.

(*exigitur enim iam ab oratore etiam poeticus decor, non Acci aut Pacuvi veterno inquinatus, sed ex Horati et Vergili et Lucani sacrario prolatus*, 20.5). Aper's criticism of Asinius implies that he could have also imitated Vergil and Horace (though naturally not Lucan). Asinius' failure is not simply a question of outdated style, but rather an inadequate sense of whom to imitate. He neglected contemporary poets as a rhetorical resource.

When Aper proposes that both prose and oratory should inform rhetorical practice, he thereby makes a significant, yet implicit assumption about the chronology of the resources for *eloquentia*. That assumption appears, for example, in his criticism of antiquarians at 23.2: "But surely those men appear in your mind's eye who read Lucilius instead of Horace and Lucretius instead of Vergil" (*sed vobis utique versantur ante oculos isti qui Lucilium pro Horatio et Lucretium pro Vergilio legunt*). While the chronological difference between Lucilius and Horace may place them in distinct periods, only a short span of time separates Lucretius from Vergil.[99] Aper casts his gaze at the stylistic gulf that divides later authors from their predecessors: Lucretius' preference for archaisms, his reliance on and dispute with Ennius as a model, and his employment of linguistic and metrical devices with an archaic veneer make him seem "archaic," certainly in comparison with a Vergil or an Ovid, but even when held up against contemporary poets such as Catullus (or Cicero). Aper favors the "modern" poets – from the Augustan *vates* to the nearly contemporary Lucan – and claims that these authors, who wrote under the Principate, underpin much of contemporary oratory.

The canon he selects may appear unconventional, and certainly presents a challenge to the more orthodox separation of classical and modern authors that Maternus espoused.[100] His logic may also seem at odds with his refusal to separate ancient and modern orators. However, he focuses not merely upon chronology, but upon style, and the categories he establishes are well in tune with his literary principles. As demonstrated above, Aper's dispute of the term *antiqui* proposes continuity between the rhetoric of Cicero's day and the modern era, while still challenging certain stylistic features represented by the earlier speakers. His definition of modern poets locates in them the stylistic tenets valued by contemporary oratory and demanded by its audiences. Accordingly, the overall thrust of his second speech claims that while the age of Cicero constitutes a resource (albeit qualified) for

[99] Approximately fifteen years, if we take roughly 55 BCE as the date of Lucretius' death and the publication of his works. Hutchinson (2001), however, has argued for his death in or soon after 49 BCE. A later dating would only reinforce the point made here.

[100] At sections 12.5–6, discussed *supra*.

rhetorical imitation, the modern orator must likewise imitate the poets of the Augustan age and afterwards. Aper's aesthetic values recognize that an orator must respond to the needs of an audience. He argues – just as Horace did – for the flexibility of aesthetic preferences, while proposing an alternate vision of literary imitation, based upon the careful interaction of verse and prose models.

The insistence on poetry's exemplary function has significant consequences for assessing the state of oratory. If we regard the imitation of poetry from an aesthetic viewpoint, the injunction to emulate Vergil, Horace, and Lucan embodies an irrevocable transformation in the rhetorical arsenal, a point which none of the interlocutors refutes. However, if we further consider the literary-historical implications, this second, poetic source of imitation, located after the age of republican oratory, lies much closer to the setting of the dialogue. The reliance on poetic models therefore upsets the easy division of *eloquentia* into the categories of Republic and Empire. Consequently, the increasingly poetic nature of contemporary oratory complicates and even challenges the view, proposed by the other interlocutors, of decline from the period of Cicero to the present moment.[101]

There are, nevertheless, serious limitations in changing standards and the reforming of the canon, since the attempts to define the past may distort but can never fully repudiate it.[102] Cicero gives qualified praise to Curio's defense of Servius Fulvius on a charge of incest:

> atqui haec . . . de incestu laudata oratio puerilis est locis multis: de amore de tormentis de rumore loci sane inanes, verum tamen nondum tritis nostrorum hominum auribus nec erudita civitate tolerabiles.
>
> As for this notable speech on incest, it's childish in many places: foolish commonplaces about love, about acts of torture, about gossip, but nevertheless passable for the then unpracticed ears of our men and an uneducated people. (*Brut.* 124)

The speech guaranteed Curio's fame; at least Cicero thought so, even if Brutus admits never having laid eyes on the piece (*Brut.* 123). Its rhetorical commonplaces coincidentally evince a number of topics common to later declamations (love, torture, gossip), and Aper similarly notes that in the past people tolerated lengthy speeches because they were inexperienced and untrained (*facile perferebat prior ille populus, ut imperitus et rudis*, 19.2),

[101] This view is implicit in Maternus' division of literary history and explicit in Messalla's speeches.

[102] Goldberg (1995) 8: "[c]hanging styles and changing tastes may introduce improvements, but those changes are not in themselves the same as improvements." Compare Hinds (1998) 52–98 on literary diachrony and 55 on the distorting label "archaic" as "always something invented by later poets or critics"; Feeney (2005) 227–8.

followed by criticism of hackneyed philosophical commonplaces: "if someone seemed to have gotten a whiff of philosophy and incorporated some commonplace from it into his speech, he was praised to the sky" (*si quis odoratus philosophiam videretur et ex ea locum aliquem orationi suae insereret, in caelum laudibus ferebatur*, 19.3).[103] Cicero wants to save Curio from obscurity, as when he acknowledges the dangers of his own contribution to rhetorical history. Cicero's mass of volumes, as he will allow Brutus to point out, now provide ample material to be read by others; as for the speeches of older generations, "most people have stopped reading them" (*a plerisque legi sunt desitae*, *Brut.* 123). Cicero's implicit self-praise demonstrates the darkening of the past by a present luminary.[104] There are serious risks of misunderstanding past authors when employing present standards, and therefore of misjudging the contribution they once made. Aper repeatedly makes light of the outdated the tragic poets, Accius and Pacuvius, (20.5, 21.7), while Quintilian gently recognizes their virtues and ascribes roughness not to their talents but to their age (*magis . . . temporibus quam ipsis*, 10.1.117). Aper may see innovation in past authors, but does not value that innovation in its own right, which becomes merely a precursor to later developments. The prejudice is brought out marvelously in the assessment of Calvus: *cum unum et viginti, ut puto, libros reliquerit, vix in una et altera oratiuncula satis facit* ("although he left behind something like twenty one books, he's barely acceptable in one or the other of his little speeches," 21.1). The perfect subjunctive (*reliquerit*) in contrast with the present (*satis facit*) distinguishes the moments of production and reception while glossing over that distinction. The difference indicates a problem of perspective in Aper's presentation, which has left the best modern observers at odds over his "relativism."[105] Aper is a relativist when it comes to literary history, acknowledging that context shapes literary production. His relativism does not extend into literary criticism, since for him only the standpoint of the present matters when making judgments about literature. Literary

[103] Forms of *ferre* abound in descriptions of what has passed from acceptance (*tolerabiles*, *perferebat*); cf. 20.1: *quis nunc feret . . .* ?; 20.2: *perfert*; *Brut.* 278: *tolerabilis* (in Cicero's oenological analogy of the faded wine from the vintage of Anicius [160 BCE] in contrast with the still drinkable vintage of Opimius [121 BCE]). The momentum towards Cicero as the *telos* also suggests a future for oratory, including Brutus' oratory, which can advance through philosophy (among other arts, cf. *Brut.* 162, 331–3). Aper's criticism of philosophical commonplaces might be a response to Cicero's claim, not as a rejection of philosophical learning, but to indicate that unimaginative use of philosophical commonplaces has become hackneyed rather than innovative.

[104] The idea appears in different guises at *Brut.* 66 (Cato) and 82 (Servius Galba).

[105] Relativists: Fantham (1978b) 16 n. 46; Dominik (2007) 325 (but 330 seems to suggest the opposite). Levene (2004) 177–8 gives the best explanation against the view; cf. den Boer (1939) 197–8; von Fritz (1932) 287–9; Döpp (1995) 215.

history undermines his literary criticism. Messalla's canonical model provides exactly the opposite: his classicizing will not countenance innovation. For him literary criticism, the establishment of a classical canon based on specific social structures and intellectual requirements, is possible only at the expense of a literary-historical sensibility. Neither Aper nor Messalla, when they address the creation or modification of norms, produces a coherent system with which to rank speakers of different eras, because a system that posits development as an inevitability will necessarily fault the past (Aper), whereas one that constructs a normative group fails to account for differences as anything other than deviance from the norms of that group (Messalla).[106] From their speeches emerges the danger, perhaps an inevitable one, in trying to separate literary history from literary criticism, and the solutions to that problem take various forms in the tradition.

Quintilian responded by leaving no stone unturned; every model of *eloquentia* could be useful if approached in the right way, a solution fitting the encylopedic aims of his *oeuvre*. Cicero might be the best thing yet, but Quintilian attaches qualifications: greatness is not exclusive; Cicero is not alone worthy of admiration; even the best have their faults; others may repeat his accomplishments (cf. 10.1.24).

As an author of satire confronting Lucilius' poetic legacy, Horace prefers to mix criticism with praise.[107] His literary and programmatic poems repeatedly voice the key themes of this confrontation: how to justify his poetry, its differences from Lucilius' writings, and his succession to the "founder" of the genre. There are pointed criticisms: "You see he was faulty in the following way; often, in an hour (as if this were a great feat), he would dictate 200 verses while standing on one foot. There was a lot that you'd want to remove when his stream flowed muddily (*nam fuit hoc vitiosus: in hora saepe ducentos,/ut magnum, versus dictabat stans pede in uno;/cum flueret lutulentus, erat quod tollere velles*, *S.* 1.4.9–11). Lucilius composed copiously – excessively so – and fecklessness accompanied prodigality. Horace prefers a refined form of composition that avoids Lucilius' "harsh verse," *durus . . . versus* (*S.* 1.4.8), relying instead on painstaking toil and constant revision: "You'll turn your pen often to erase, to write again something worthy to be read: (*saepe stilum vertas, iterum quae digna*

[106] In this way the speeches of Aper and Messalla complement each other through their oppositional character; cf. den Boer (1939) 207; reemphasized at Levene (2004) 180.

[107] The classical treatment is Fiske (1920); more recently, Freudenburg (1993) and (2001) for a discussion of Horace's relation to Lucilius and his theory of satire. Cf. further Scholz (1986), Scodel (1987), and Oliensis (1998), esp. 39–45.

legi sint/scripturus (*S.* 1.10.72–3). The poet should be prodigal in labor and frugal in verses. Yet Horace also sings Lucilius' merits:

> nempe incomposito dixi pede currere versus
> Lucili. quis tam Lucili fautor inepte est,
> ut non hoc fateatur? at idem, quod sale multo
> urbem defricuit, charta laudatur eadem.
>
> Surely I said that Lucilius' verses run with a halting
> foot. Who so foolishly admires Lucilius so as to not
> say this? Yet that same man is praised on the same page,
> because he rubbed the city with a lot of wit. (*S.* 1.10.1–4)

Concessions are made to Lucilius' superiority: "I take pleasure in putting my words in feet, like Lucilius, better than both of us" (*me pedibus delectat claudere verba/Lucili ritu, nostrum melioris utroque*, *S.* 2.1.28–9).[108] In the same poem, Horace expressly defers to Lucilius' superior social status and talent: "Whatever I am, although I'm below Lucilius in rank and talent" (*quicquid sum ego, quamvis/infra Lucili censum ingeniumque*, *S.* 2.1.74–5). The blend of admiration and reproach is not a result of jesting paradox or poetic inconsistency. Rather, the essential difference between Lucilius and Horace rests in the extent to which the latter has revised and built upon a venerable poetic tradition.[109] Horace elaborates a number of refinements:

> nec tamen hoc tribuens dederim quoque cetera.
> nam sic et Laberi mimos ut pulchra poemata mirer.
> ergo non satis est risu diducere rictum
> auditoris; et est quaedam tamen hic quoque virtus.
> est brevitate opus, ut currat sententia neu se
> impediat verbis lassas onerantibus auris
> et sermone opus est modo tristi, saepe iocoso,
> defendente vicem modo rhetoris atque poetae,
> interdum urbani, parcentis viribus atque
> extenuantis eas consulto.
>
> Though I might concede this point, I wouldn't grant him the rest.
> Since I'd then have to admire Laberius' mimes as beautiful poems.
> Thus, it's not enough to stretch out your hearer's grin with laughter,
> though there's even something of value in that too.
> You need terseness, in order that your thought speeds along and doesn't
> get in the way of words that weigh on wearied ears.
> And sometimes you need to be stern, sometimes happy,

[108] The other person of "both of us," *utroque*, is C. Trebatius Testa, a famous lawyer of Cicero's day, whom Horace playfully consults for legal advice on the writing of satire.

[109] This is not to downplay the important political aspects in Horace's view of Lucilius' world, for which see the important discussion at Freudenberg (2001) 15–124.

> keeping up the act of the orator or the poet,
> or the sharp-wit from time to time, sparing
> and carefully managing one's forces. (*S.* 1.10.5–14)

While certainly admirable, Lucilius also had his faults. On Horace's account, Lucilius inadequately practiced the qualities essential to the satirist's verse: speed, elegance, variety of register, wit, and the careful employment of one's literary capacities. Thus, the admixture of censure and praise reflects an awareness of Lucilius' talent and achievement, but also claims that he fails to meet modern expectations for the writing of satire.

Cicero, for all the carefully orchestrated self-praise, still claims the superiority of ancient speakers: "I do rank their speeches before mine" (*meis enim illas antepono*, *Brut.* 294). The surface ambivalence is further accompanied by the suggestion that ancient authors would have consequently met modern standards in present circumstances: "that's how people spoke then. Change what Cato couldn't then do . . . and now you'd put no one before him" (*ita enim tum loquebantur. id muta, quod tum ille non potuit . . . iam neminem antepones Catoni*, *Brut.* 68).[110] Horace will revisit his stated differences from Lucilius:

> at dixi fluere hunc lutulentum, saepe ferentem
> plura quidem tollenda relinquendis. age quaeso,
> tu nihil in magno doctus reprehendis Homero?
> nil comis tragici mutat Lucilius Acci?
> non ridet versus Enni gravitate minores,
> cum de se loquitur non ut maiore reprensis?
> quid vetat et nosmet Lucili scripta legentis
> quaerere, num illius, num rerum dura negarit
> versiculos natura magis factos et euntis
> mollius ac siquis pedibus quid claudere senis
> hoc tantum contentus, amet scripsisse ducentos
> ante cibum versus, totidem cenatus?
>
> And yet I did say that he's muddy and often brings
> more that you'd rather get rid of than keep. Come on,
> you, a learned man, don't find anything wrong in great Homer?
> Did genial Lucilius want to change nothing of tragic Accius?
> Didn't he laugh at Ennius' verses for lacking dignity
> even while speaking of himself as no greater than those he faults?
> What prevents us too, when we read Lucilius' writings, from asking
> whether his own talent or the harsh nature of his topics denied him

[110] Cf. Cicero's claim that Crassus, but only Crassus, could have improved on his own writings: *ipsum fortasse melius potuisse scribere, alium, ut arbitror, neminem* (*Brut.* 298).

more finished verses that flow more smoothly
than if one were to lock them up in six feet and,
content with this, would want to have written two-hundred
verses before eating and as many after dinner? (*S.* 1.10.50–61)

He replays the criticism of *Satires* 1.4 but adds that Lucilius found fault with Accius and Ennius, whom Horace mentions to justify his own disparagement of Lucilius. However, while Lucilius attacked older poets, he did not claim to outdo them. The phrase *non ut maiore reprensis* makes that point and also directs the reader back to Horace's preceding deference to Lucilius: *inventore minor* (*S.* 1.10.48). Ultimately, Horace refuses to claim superiority while still promoting a modern poetic agenda. Despite deferential gestures to the Lucilian legacy, the poem makes clear Horace's own authoritative status as a writer of satire and leaves the impression that he embodies a superior stage of the genre's development.[111] The same ambivalence exists in the *Dialogus*. While the work permits Maternus and Messalla to claim the superiority of the past age, it also explains, through Aper's arguments, why modern *eloquentia* has undergone necessary changes. Indeed, to claim the superiority of past authors is a constant in programmatic assertions of latter-day innovators, even when no exposition of past greatness is offered.[112]

There is a final step in the delicate dance around the authority of the past and the requirements of the present. Horace imagines how Lucilius would write satire if he were to be transposed into Horace's own age:

fuerit Lucilius, inquam,
comis et urbanus, fuerit limatior idem
quam rudis et Graecis intacti carminis auctor
quamque poetarum seniorum turba; sed ille,
si foret hoc nostrum fato delapsus in aevum,
detereret sibi multa, recideret omne quod ultra
perfectum traheretur, et in versu faciendo
saepe caput scaberet vivos et roderet unguis.

I say Lucilius was
genial and urbane; he was also more polished than you'd expect
for an author of poetry untried and untouched by the Greeks,
and more polished than the gang of older poets: but even he,
if by fate he had slipped into this age of ours,

[111] A pun may best capture the ambivalence: *limatius* (1.10.65) means having been refined by the laborious polishing (cf. *limae labor*, *Ars Poetica* 291), but hides the idea that Lucilius may be too muddy (*limus* and *limosus*; cf. *lutulentus* at 1.4.11, 1.10.50).

[112] The implicit point of Maternus' revelation about the ancients: "since their fame gives them praise enough" (*satis enim illos fama sua laudat*, 24.3).

> would smooth much of his work, and would trim back everything
> that's dragged beyond perfection, and while writing verse,
> he would often scratch his head and gnaw his nails raw.
>
> (*S.* 1.10.64–71)

Horace concludes that Lucilius would conform to the artistic strictures of the day. He would compose poetry in a distinctly modern manner, painstakingly revising his writings and consequently producing the refined verses that accord with contemporary taste. The imagined process justifies Horace's own aesthetic criteria. Lucilius still possesses more polish than his predecessors even if he fails to meet current literary standards. By placing Lucilius in a lineage of increasingly refined poets that culminates in Horace, he positions himself to inherit and perfect the satire tradition. Horace also creates an analogy between his own literary differences from Lucilius and Lucilius' preeminence over older poets. Through this perceived evolution of styles, Horace champions innovation while still acknowledging the poetic tradition.

Maternus similarly argues that, were the moderns and ancients to switch places, they would adapt to the conditions of the day:

> credite, optimi et in quantum opus est disertissimi viri, si aut vos prioribus saeculis aut illi, quos miramur, his nati essent, ac deus aliquis vitas ac [vestra] tempora repente mutasset, nec vobis summa illa laus et gloria in eloquentia neque illis modus et temperamentum defuisset: nunc, quoniam nemo eodem tempore adsequi potest magnam famam et magnam quietem, bono saeculi sui quisque citra obtrectationem alterius utatur.
>
> Believe me, you best men and – as much as is necessary – best speakers, if either you had been born in a previous generation or those whom we admire had been born in this one, and some god had suddenly changed your lives and circumstances, you would neither lack that praise and glory in eloquence, nor would they lack measure and restraint. But as it is, since no one at the same time can achieve great fame and great tranquility, let each man use the good of his generation without the detraction of another. (41.5)

In reversed circumstances, we are told, modern orators would achieve recognition just as their ancient counterparts would show measured restraint. The particular features of each age (peace without fame in the modern era, renown without tranquility in the past) correspond to its oratory. The statement assumes – but does not demonstrate – that historical context governs the actions and characteristics of an age. Tacitus' transformation of the arguments in *Satires* 1.10 modifies important details. Whereas Horace merely imagines Lucilius' adaptation to contemporary circumstances, Maternus

applies the reasoning in order to pronounce a subsidiary judgment on the present age: not only would past orators acquire measured restraint, but their modern counterparts would achieve renown. On the surface, Maternus delivers a long-anticipated explanation for the differences in modern and ancient oratory. The passage appears to develop the Horatian model in order to explain the inferior nature of contemporary *eloquentia*. Maternus' final answer, scholars have often remarked, surpasses and contradicts the arguments of previous speakers.[113] However, the Horatian precedent patently suggests otherwise: *S.* 1.10.64–71 delivers an unrepentant justification of poetic innovation.

While a shared historical ethos connects the two authors, Tacitus traces more distinctly the differences and continuity of the rhetorical tradition. The signal importance of Horace's version lies not solely in the idea that modern authors update their predecessors, as Cicero had claimed, but in its use by an epigone to challenge the authority of the past. A similar claim can help to illuminate the uniqueness of Maternus' statements and its differences from Horace. The Astydamas fragment details the "double transposition" of generations:

εἴθ' ἐγὼ ἐν κείνοις γενόμην, ἢ κεῖνοι ἅμ' ἡμῖν
οἳ γλώσσης τερπνῆς πρῶτα δοκοῦσι φέρειν,
ὡς ἐπ' ἀληθείας ἐκρίθην ἀφεθεὶς παράμιλλος·
νῦν δὲ χρόνωι προέχουσ', ὧι φθόνος οὐχ ἕπεται.

If I had lived in their day, or they in ours,
those who seem to carry off first prize for eloquence,
then I would have been accurately judged as a competitor on equal ground.
But they go ahead in a time which envy does not pursue.

(Page *FGE* 33–4 = *AppAnth.* 43)[114]

The lexicographer Pausanias (second century CE) preserves the epigram which Astydamas allegedly wrote to adorn a statue in his honor. This tragedian (fourth century BCE) struggled against a powerful tradition of canonical forerunners, and, if the epigram is his rather than Pausanias' invention, it constitutes an early instance of epigonal mentality.[115] Like Cicero and

[113] For a recent interpretation of the *Dialogus* as a work that builds to the *dénouement* voiced by Maternus, see Mayer (2001) 31–44.

[114] See Page (1981) 33–4 on the fragment and on ἀφεθεὶς παράμιλλος, which he connects to "the language of the stadium. ἄφεσις is the start of a race, the man who is παράμιλλος is 'competing side-by-side'." Reference to this fragment and the discussion in the following paragraph are indebted to Johanna Hanink, who discusses it in Hanink (2014). See Dickey (2007) 99 on Pausanias the lexicographer.

[115] Compare the article on Choerilus *SH* 317 (epic poetry), MacFarlane (2009). Chapter 6 discusses the Choerilus passage in connection with Aper's allusion to Vergil and Cicero (*pervulgatis iam omnibus*, 19.5). Without a secure dating of Astydamas fragment, we cannot know if Tacitus may

Horace, but unlike Astydamas, the terms attaching to each period in Tacitus include a sense of historical change. Astydamas claims that present renown is inhibited by envy directed at the living, a commonplace.[116] Although the appeal to envy in Astydamas cannot adequately describe the murky origins and process of canonization, it can illuminate the inhibitive effect of that process on the latecomers. Tacitus offers a unique attempt to create a sense of belatedness, but then to overcome it, not by challenging it outright, as Astydamas and Horace do, but by rewriting the terms in which belatedness is cast: no one can simultaneously achieve great fame and great tranquility, *magnam famam et magnam quietem*. Maternus ultimately confirms the necessary, inherent conflict between regarding rhetoric as a social and political activity versus *eloquentia* as a canonical product of reception.

This cannot stand as an explanation of decline, nor is it one, but there are good reasons for Maternus' choice. The teleological consciousness of the Roman tradition recognized the necessity of change, but could not bring that recognition in line with absolute judgments: it becomes impossible to compare authors of different periods or cultures using the same aesthetic criteria: thus Cicero backs off when Atticus presses for comparison of Lysias with Cato: "you've brought up a subject requiring a fresh discussion" (*remque commovisti nova disputatione dignam*, *Brut.* 297).[117] One can always honor the *ingenium* or *iudicium* of earlier authors, even if they would now make different stylistic choices.[118] The disagreement between Aper and Messalla does not turn on the application of aesthetic values in the abstract (is brevity or fullness desirable and who better commands it?), but on the effects of development (to what is brevity or disorderly composition a response?). Attempts at syncritic judgment are pulled down under the flood of literary history. The *Dialogus* avoids direct comparison of past and present luminaries, and does so ostentatiously. Messalla notes that Aper has not provided a syncrisis of modern and ancient speakers (26.4–8), but Cicero did not do so either, and Messalla's claim that Aper has not brought forward modern oratorical examples is a half-truth: Aper has, in fact, amply

have adapted the idea (or some later version of it) or if Pausanias may have fashioned it through (direct or indirect) influence of Tacitus or another author. Since I am not attempting to construct a genealogy for the idea, but only to examine its workings, the issue is not relevant to the present argument.

[116] Cf. Aper's remarks on "captiousness and envy" (*malignitas et invidia*, 23.6).

[117] Goldberg (1995) 8.

[118] Quint. *Inst.* 12.10.10: "There were some uncouth kinds of speech due to the times, though in other respects already evincing great force of talent" (*sed fuere quaedam genera dicendi condicione temporum horridiora, alioqui magnam iam ingenii vim prae se ferentia*). Aper singles out Cicero's *iudicium* (22.1).

lauded the present speakers for their stylistic merits (23.6); Maternus compliments in kind (24.1); and Tacitus carefully praises Aper and Secundus (2.1–2). The battle lines have been drawn (to use Messalla's metaphor, 26.6), but no comparisons will be made, an admission that literary criticism and literary history cannot exist singly and an acknowledgment that the conceptual demands of each field ultimately make impossible their perfect union.

If we follow out the implications of Maternus' arguments, it is possible, however, to account for the differences between eras in social or sociopolitical terms. He assesses change by examining effects and then positing a causal narrative on that basis. This substitutes a historicizing narrative for critical appraisal, witholding actual judgment on the quality of *eloquentia*. Talent (*ingenium*) and prudent judgment (*iudicium*) are the categories by which such assessments could be made, as Tacitus makes clear in the introduction: *aut de ingeniis nostris male existimandum <sit>, si idem assequi non possumus, aut de iudiciis, si nolumus* ("either we would have to think badly of our talents, if we can't achieve the same, or of our judgments, if we are unwilling," 1.2). While the *Dialogus* employs these criteria to examine speakers and the effectiveness of their techniques, Maternus' closing statement fails to condemn the modern age by these standards, instead narrowly comparing its lack of fame with its tranquility, assessing not absolute worth in aesthetic terms, but rather emphasizing oratory's relationship to communal order (*modus*, *temperamentum*, *quies*) and communal recognition (*fama, gloria, laus*).[119] This final statement walks the divide between condemnation of past or present: "let each man use the good of his generation without the detraction of another"[120] (*bono saeculi sui quisque citra obtrectationem alterius utatur*) shows the necessary incompatibility of transgenerational critieria. Maternus' statement is valid for the perspectives of both present and past: we cannot condemn the ancients by current standards any more than values of the past rightly apply to what is valuable today. This is both relativism and the attempt to escape it, fusing the values of the art with the realities of its world.

[119] Maternus values *quies* in a state just as he values it for the poet: 13.1, with Aper's anticipation of the argument at 10.7. Chapter 3 discusses these terms (*laus*, *gloria*, *ingenium*, *iudicium*) and argues that the work downplays the loss of rhetorical talent (*ingenium*) and highlights the loss of praise (*laus*).

[120] I have tried to render the ambiguous genetive *alterius* after *obtrectatio*, which could be either subjective or objective, criticism that issues from *or* aims at another. See *TLL* IX.2 292.37–75 [Heine, 1971] for examples of both.

Conclusion

It is to be counted among the virtues of the *Dialogus* that Tacitus is the curator of many voices rather than the sponsor of one. Still, most of us want to believe that the *Dialogus* offers a coherent perspective on public speech in the Roman Empire, and are often left with a kind of disgruntled agnosticism. This book has not sought to supplant the old religions with new faith, but at the very least it has aimed to supply reasons for the perplexity, to document their value for the work's intellectual twists and turns, and to suggest why we must be content to know some things with confidence and to suspect others with reluctance. The process by which Tacitus pushes the reader to adopt and then (possibly) to abandon a viewpoint in the face of new options should be commended as among the most significant literary features of the dialogue.

As this book has argued, the comprehensive exploration of rhetoric takes place not only at the surface level of the speakers' immediate arguments but also in carefully crafted allusions. The extent to which Tacitus relies on allusion as a form of parallel argument has rarely attracted sustained attention, in part because of the powerful immediacy of the arguments themselves, and in part because of our preconceptions about the artistic composition of rhetorical dialogue. Tacitus rarely allows a single piece of language to echo a prior statement of the tradition solely for immediate comparison; rather a system of multiple allusions is embedded into the text, with each new moment of intertextual assertion and reassertion playing off one another as the reading advances.[1] This highly textualized exploration reinforces and revises earlier impressions created by the speeches, by the narrative, and also by prior textual citation. The intertextual evolution of argument within the course of the dialogue helps to shape distinct kinds of readers who are capable of reflecting on the consequences of the positions they assume – what does it mean to argue like Aper, Messalla, or Maternus?

[1] I owe thanks to Marilyn Skinner for help with formulating the argument in these terms.

Tacitus begins with a question about the differences between past and present orators, and concludes by returning to that problem. Maternus stresses that the ordered circumstances of his day do not permit the same development of oratorical talent. Oddly, however, the diminished scope of political and forensic activities does not lead Maternus to brood over oratory's diminished status:

> Believe me, you best men and – as much as is necessary – best speakers, if either you had been born in a previous generation or those whom we admire had been born in this one, and some god had suddenly changed your lives and circumstances, you would neither lack that praise and glory in eloquence, nor would they lack measure and restraint. But as it is, since no one at the same time can achieve great fame and great tranquility, let each man use the good of his generation without the detraction of another.
>
> credite, optimi et in quantum opus est disertissimi viri, si aut vos prioribus saeculis aut illi, quos miramur, his nati essent, ac deus aliquis vitas ac [vestra] tempora repente mutasset, nec vobis summa illa laus et gloria in eloquentia neque illis modus et temperamentum defuisset: nunc, quoniam nemo eodem tempore assequi potest magnam famam et magnam quietem, bono saeculi sui quisque citra obtrectationem alterius utatur. (41.5)

His final speech, somewhat unexpectedly, strikes an optimistic chord at its close. Maternus opposes oratorical renown to political restraint, and the use of *prioribus saeculis* reprises the opening terms from the preface, "an instance of ring composition on the grand scale."[2] *Laus* and *gloria* also obtain a prominent position in the work's opening, likewise contributing to the effect. Maternus' mention of these terms focuses on a very specific aspect of oratorical achievement. The verb *assequi* has further importance, because it appeared early in the work, when Tacitus wonders if the modern age will achieve as much as past ages, *si idem assequi non possumus* (1.2), and again when Maternus states that ancient orators could attain more: *plura sibi assequi videbantur* (36.2).[3] The vague formulation seems to designate the rewards brought about by rhetorical prowess, including the fame acquired through one's oratory. That emphasis leads Maternus to the conclusion that each age should use the good that it possesses (*bono . . . utatur*) without the detraction that comparison with another age might cause to fall on one's

[2] Mayer (2001) 215. Mayer (2001) 216 remarks that the close signals a "resigned, nostalgic note," following Syme (1958) 220 and Winterbottom (1964) 97 n. 29. Yet there is nothing in Maternus' statements to suggest that he necessarily misses the Republic and its *licentia*.

[3] Both formulations are remarkably, perhaps intentionally, vague, a problem compounded by Maternus' formulation with *videbantur*. What does it mean that ancient orators achieved (or thought they achieved or seemed to have achieved) more, and more of what? Honor and preferment (as 36.4 would subsequently suggest) or rhetorical ability (as 1.2 would suggest)?

own time. Although Maternus relates oratorical achievement to political importance – modern orators cannot obtain as much in the modern age – such a claim does not negate the value and effectiveness of *eloquentia* in the broader sense in which the work has presented it.

Oratory no longer has the same relationship to political action, even if there are still important uses for *eloquentia*: the Republic, its license, and its specific version of fame are gone. On the other hand, this fact has also led to a changed picture of *eloquentia*, one that the *Dialogus* slowly uncovers as the work progresses. Not only have the venues for oratorical practice changed since the Republic, so has the makeup and implications of skilled speech.[4] The work's arguments have embraced this new picture of *eloquentia* from different standpoints. The opening debate brought to the fore the complicated social and political consequences of *eloquentia*. Aper then compellingly defended the modern style by showing the historical necessity and aesthetic value of innovation. Messalla's criticism of modern rhetorical education and training elicited a sophisticated message about the importance of oratorical schooling and the exemplary function of the *Dialogus*. Maternus adds further historical depth, though with clear connections to the preceding speakers' statements, such that the real gulf between Republic and Principate is not so vast as to be unrecognizably different or wholly unbridgeable. Tacitus has not merely illustrated changes in oratory, but rather has narrated fundamental changes in *eloquentia* while elaborating upon the consequences of continuing its practice. This account of oratory – as if to give the reader a taste of the possibilities of this new *eloquentia* – also uses the very techniques that it champions. Tacitus discusses the necessary stylistic changes that will become staples of imperial style (and to which Tacitus was himself no enemy): brevity, *sententiae*, and poetic language. The *Dialogus* also displays important figures of Tacitus' youth and lets them use the techniques that the work comes to embrace. The *Dialogus* thereby chronicles how the changes in the rhetorical arsenal, like the historical circumstances that led to them, define a new era of modern *eloquentia*, a language matched to its age and determined by it.

Were the changes necessarily to be thought of as decline? The answers depend in most cases on the perspective from which the question is asked. The range of views about *eloquentia* suggest that it was, like so many forms of cultural production, an overdetermined phenomenon. Could one adequately trace out a single variable and weight it more than the others? Maternus' concluding statement opposes *laus*, *fama*, and *gloria* against

[4] Roller (2011) is very good on the details of the developments.

restraint and its benefits: *modus*, *temperamentum*, and *quies*. This summary conclusion makes no mention of *ingenium*, and the constant tension in the work between the fame accorded to orators and the development of talent remains unresolved at its conclusion. Do orators no longer receive the same renown or do their talents no longer have the same possibilities for development? Maternus earlier claims that oratorical greatness is fostered by the opportunities to speak on important occasions: "the force of talent grows with the grandness of events" (*crescit enim cum amplitudine rerum vis ingenii*, 37.5). It was the likes of Verres, Catiline, Clodius, and Antony who gave a Cicero sufficient opportunity to become great. Peace has been bought at the cost of greatness. The biological metaphor underlying Maternus' description is present in Aper's earlier simile explaining the capacity of extemporaneous speech to foster talent: "in talent as well, just as in a field, although other things are cultivated and tended for a long time, nevertheless those things are more pleasing which grow of their own accord" (*in ingenio quoque, sicut in agro, quamquam alia diu serantur atque elaborentur, gratiora tamen quae sua sponte nascuntur*, 6.6). The competing models both explain what promotes talent and what motivates those who pursue oratorical ability: the new style with its need for vivacity and pace, or the heavy grandness of yesteryear's luminaries.[5]

The political explanation has typically won out in the minds of modern readers in part because of the way Cicero wedded oratory to politics and in part because of our own associations of free speech with qualitative speech, that is, the modern assumption that minimal constraint on expression benefits public discourse the most. A version of that explanation was possible as well in antiquity, although Tacitus may be the first in the Roman tradition to have brought it forward as an explanation of decline that is tied to long-term changes in the civic order. The speaker of Pseudo-Longinus' *On the Sublime* canvasses and then dismisses as hackneyed the political explanation of his interlocutor, offering instead a moral cause not unlike Messalla's (Pseudo-Longinus, *de subl.* 44.1–11).[6]

Readers who buy into Maternus' argument about the diminished status of eloquence under the Principate fall prey to a number of inevitable traps. Like Messalla before him Maternus not only exaggerates the differences between Republic and Principate, he essentially equates the judicial

[5] Pliny bills the grandness of the prosecution of Marius Priscus in terms not unlike Maternus at 37.4: "report-worthy in the fame of the personality, beneficial in the severity of the precedent, everlasting for the grandeur of the case" (*personae claritate famosum, severitate exempli salubre, rei magnitudine aeternum*, *Ep.* 2.11.1).

[6] See Heath (1999), who argues for a third-century date for the treatise.

conditions of the Late Republic with the activities of Cicero, as if Cicero represented the norm rather than exception, and as if the standards of Cicero were the only conceivable option for oratorical achievement. The underlying problem involves the status of Cicero as the canonical embodiment of great oratory: it can be difficult to resist making Cicero the representative of his age as a whole, not least because Cicero so deftly contrived to become just that in his later years.[7] Yet the *Dialogus*, at least at the opening, asks about the once great number of skilled orators (*tot eminentium oratorum*) as opposed to the virtual absence in the present day. No orator may have surpassed Cicero yet, but were the two ages all that different when comparing a Domitius Afer to a Marcus Brutus, or one Africanus to another (Iulius and Scipio)? Maternus' arguments, after all, rely on a rather straightforward historical determinism. If the grandness of the historical past made true orators, why were only some orators of the Republic great and why were even the most capable thought lacking in certain respects? If past conditions were such that they greatly, but not exclusively, nourished prominent oratory, the possibility remains open that great talents will find a place under the new conditions.

These problems are compounded by the evident and ineluctable conflict between the evidence that Maternus presents and the larger conclusions that he draws from this faulty evidence. The grand historical explanation, which ties eloquence to the principate, captures the modern desire to correlate cultural production with systems of governance. Yet Maternus' final speech ultimately shows, in its inconsistencies and errors, that the granularity missing from the large-scale historical explanation affords no purchase on the details. Tacitus, in Maternus' speech, ultimately debunks the logic of a *post hoc ergo propter hoc* argument. Among the dueling explanations, the principate is hardly a silver bullet.[8]

There are further problems in laying the source for modern ills at the emperor's door. For example, Pompey's curtailment of the courts in 52 BCE is one significant detail in the modification of forensic conditions at Rome according to Maternus. This change precedes the second triumvirate by about one decade and Augustan rule by about two, and is therefore an important reminder that not all institutions evolve uniformly – the Principate alone does not define oratory, and to discount other influences is to

[7] Cf. Dugan (2005) on the phenomenon with Stroup (2010); Kaster (1998) on the reception and canonization of Cicero by the declaimers in Seneca the Elder. The varied and contested reception of Cicero in the Empire would repay further investigation.

[8] We therefore do not have to conclude that Tacitus disagrees with Pseudo-Longinus' rejection of the political explanation. Tacitus too shows the limitations of the argument, although in a far more roundabout fashion.

privilege a single type of historical explanation at the cost of others. The inclusion of Pollio and Messalla in the canon of ancient orators only sharpens the incongruities; chronologically speaking their careers were largely "imperial" careers. Changes in the forensic world are not concomitant with the imperial system. This does not mean that Tacitus did not point to the present dispensation, but he also points to a range of other equally valid factors whose histories and effects overlap, but are not directly coextensive with, a change in the civic order. And it has also been argued that, as traditional opportunities for glory in other areas had waned, such as military commands and some areas of state policy, oratory grew as an outlet for self-assertion among the Roman elites and sub-elites.[9]

Men outside the traditional aristocracy could employ oratory as means to rapid advancement largely unknown to the Republic, although not all would look favorably on the new inclusiveness. Leanne Bablitz has suggested that complaints about decline emerged as a response to a fundamental shift in the status of advocates and the dissolution of traditional restrictions that allowed the aristocracy to monopolize oratory. J. A. Crook saw this as part of the "status-to-contract" movement in various aspects of public life, especially in legal advocacy.[10] The ambitious *parvenus* were also likely to become prosecutors and to be criticized in the ancient sources as venal and bloodthirsty *delatores*. We could, however, see the gulf between the prescriptive and descriptive elements in the *Dialogus* as a response to this tension, as a way of suggesting that good orators, even the true *orator*, could still exist, but, very much in the Roman tradition, he must distinguish himself from run-of-the-mill advocates dabbling in cases of little notoriety, or from those whose suspect actions threatened the accepted order and its values.[11]

The capacious sense of *eloquentia* ("skilled speech") in the *Dialogus* as a transgeneric *ars* also opens up a new perspective on the question. Oratory is only one incarnation of *eloquentia*, and the broader definition may well signal the significance of other opportunities for its practitioners. Maternus' arguments in favor of poetry also suggest that the diminution of renown or talent may instead be a redirection of talent into other areas previously overshadowed by oratory's monopoly on grand talents in the public sphere.[12] This is not decline necessarily, but the sharing out of talent

[9] Parks (1945) 31; implicitly supported by Crook (1995) 180, and Bablitz (2007) 148. Cf. also Balbo (2006); Roller (2011). Osgood (2006) is illuminating on the triumviral period.

[10] Crook (1995) 39; Bablitz (2007) 141–50.

[11] Again, Rutledge (2001) and Rivière (2002) on *delatores*. Kraus (2004) 271 rightly notes the need to consider further "the rhetoric of informing and its historiography."

[12] Kirk Freudenburg is to be thanked for assistance on thinking through this issue.

among different spheres of *eloquentia*. Messalla's compliment to Secundus upon arrival suggests the interest in other possibilities: "in composing the biography of Iulius Africanus you have made men hope for more books of the sort" (*Iuli Africani vitam componendo spem hominibus fecisti plurium eius modi librorum*, 14.4). One need only look to Tacitus' *Agricola* to suspect here an embedded advertisement for Tacitus' own writings.[13] It may just as well have been that *eloquentia* as a larger cultural value had improved overall, but had done so at the expense of the renown accorded to oratory. Were orators worse, or was oratory yet another essential competitive arena for those seeking fame through writing and speech? In this regard Tacitus' *Dialogus* can contribute to our understanding of Tacitus' historical *oeuvre*, because of historiography's close alliance with rhetoric and oratory.[14] However, we no longer need to see history and oratory as opposed to one another. The values which Tacitus documents in the *Dialogus* can be read as a programmatic framework for his rhetorical enterprise, be it as advocate or author.

There is lastly the very complicated relationship of the orator to his community, which the *Dialogus* addresses partly by examining *libertas* ("freedom," "outspokenness") and *licentia* ("permissiveness," "license"). Maternus, unless we read him ironically, rejects the excesses of the Late Republic which led to unbridled factional strife and the dissolution of the civic order. Implicit in his discussion, and the rest of the *Dialogus*, is an examination of what constitutes *libertas* and how much freedom was good. Again, the answers of the *Dialogus* need not be those of Cicero.[15] Tacitus may be a better witness to the Late Republic than many moderns, not out of sheer proximity to Cicero, but because, with hindsight, he understood the limitations of the world that had animated Cicero's rise to the top of Rome's political and rhetorical traditions. Like many of us

[13] The relative chronologies of the *Dialogus* and *Agricola* do not alter the effect, although it is perhaps strengthened if the *Agricola* precedes the *Dialogus*.

[14] And poetry too, which Quintilian aligns with history, *historia . . . proxima poetis* (Quint. *Inst*. 10.1.31). I am reluctant to read the *Dialogus* as anything like Tacitus' declaration to abandon oratory for history, because such conjectures require a culturally inapposite sense of what a "career as a historian" meant for someone of Tacitus' station and activity in public life, and because they do not match the evidence. Tacitus sustained his connection to oratory after the *Dialogus* by publishing speeches and serving as a role model for younger generations. He may or may not have continued to plead cases or deliver deliberative and epideictic speeches. Cf. Goldberg (2009) 79.

[15] Quintilian is quite revealing in this regard: he cites Cicero's argument in *pro Murena* which noted how important it was that Rome have two consuls on January 1. Quintilian contentedly notes that the single rule of the *princeps* has ensured that the prosecution of a single individual will not endanger the safety of the state (*Inst*. 6.1.35). His emphasis first on single rule and then on state order remarkably resemble Maternus' longer version at 41.4–5. Quintilian's point is the need to accommodate oratory to the new circumstances, not throw in the towel.

he lionizes Cicero as an article of faith, but in the same piece qualifies admiration with reality. Maternus rejects *libertas* when it is *licentia* (40.2), although his definition there indicates the unbridled political activities of the Late Republic. He also appeals to outspokenness when interjecting to Messalla: *cum de antiquis loquaris, utere antiqua libertate* ("since you're speaking about the ancients, make use of ancient outspokenness"). This may well hint at Maternus' interest in outspokenness in his plays (to what end remains unclear), yet Maternus also consigns that value to the past, as he does in his second speech.

There is the additional problem of Maternus' sincerity at the speech's conclusion. This issue may be independent of the question of the historical accuracy of Maternus' speech, but an insincere Maternus also cannot explain away the rift between his failed explanation of forensic circumstances and his claims about the dampening effects of the principate. If irony can be thought to excuse and therefore rescue whatever Maternus has to say, then Fraenkel's famous censure of irony is well-founded: "the last expedient of a despairing commentator."[16] To make criticism of the principate and all that it has ushered in the main focus of Maternus (and, by extension, of Tacitus) is to remove any hope for elite self-assertion in the imperial context. There may well have been those who shared such pessimism, and some even who would want to see in Maternus a figure of doublespeak.[17] Yet in light of the dialogue's powerful and plausible attempts to locate countervailing sources of power and self-promotion in the imperial system, an insincere Maternus may well be the *least* subversive option for what the *Dialogus* has to tell us. By denying to the orator the power to act in the public sphere and thereby to gain notoriety is to strip *eloquentia* of any potential to compete with the structures of power.

The tension between *libertas* and *licentia* is one way Romans explored the limits of individual expression and communal sufferance of that freedom, which is why those terms are so essential to satire, the quintessentially Roman genre of public outspokenness.[18] And so there may be an underlying moral problem related to the definition of the orator in Tacitus' age:

[16] Fraenkel (1957) 46 n. 2.

[17] Bartsch (1994) remains the seminal reading in this direction. It is important to note that her argument for doublespeak seeks to supplant the ironic reading. I am sympathetic to the possibility that Tacitus may have sought to account for such readers of doublespeak, but I do not think there is sufficient evidence that he counted himself among them. Barchiesi (1997) 272, discussing Ovid and Augustan readers, attractively notes the insufficiency of thinking in the binary terms of opposition and submission, as well as the near impossibility of escaping that polarity. Cf. Kennedy (1992).

[18] See Braund (2004b) on the tension in Roman satire. Morford (1991) provides a general overview of *libertas* in Tacitus; Wirszubski (1950) is the seminal study, but renewed examination of the imperial material would be useful, especially to complement Arena's (2012) study of the Late Republic.

could an orator find *libertas* which would not become *licentia*? *Licentia* is not merely politically loaded, but carries moral implications as well. The formulation was new even if the problem was not. Quintilian wrestles with the problem of defining the good orator, settling, like Seneca the Elder, on the definition of Cato the Elder: *vir bonus dicendi peritus* ("a good man skilled in speaking," *Inst.* 12.1.1). For Quintilian success as an advocate is not a sufficient criterion for defining the orator: *si vis illa dicendi malitiam instruxerit, nihil sit publicis privatisque rebus perniciosius eloquentia* ("if the power of speech teaches wrongdoing, then nothing is more harmful for private and public matters than eloquence," *Inst.* 12.1.1). Cicero similarly requires moral aptitude from his orator. He must possess *probitas* and *prudentia*, otherwise, teaching men rhetoric is like giving arms to madmen (*furentibus quaedam arma dederimus*, *de Orat.* 3.55). Tacitus, not unlike his predecessors, attempts to accommodate the moral requirements of the orator to the new circumstances and finds intolerable the wantonness of Cicero's age. The inherent paradox is hard to get beyond: Tacitus accepts Cicero's oratorical ideal but not the historical conditions which gave birth to it.

That *libertas* could ultimately find expression is made clear by Aper. He calls for restrained *libertas* and seeks to locate that value within the social relationship of defending friends and clients on the one hand (*libertas excusata*, 10.8) and adherence to measured stylistic principles on the other (*libertatem temperatis*, 23.6). His first speech anchors *eloquentia* to the social bonds which secure a community rather than tear it apart. We might also ask whether the aesthetic changes he promotes in his second speech can help to fill the moral void that Messalla and Maternus criticized in *eloquentia*. Such an aestheticizing response to the program Aper outlines would not be superficial, at least in Roman terms, since the very nature of the connection between style and character endows style with moral qualities – if style can be morally flawed, like Maecenas' allegedly was, it can also express moral soundness. Ultimately the *Dialogus* demonstrates that there are no purely aesthetic values – they all come as responses to cultural pressures with various sources, and Aper's solution is to ground the new style in the forensic changes and standards of taste which required change, and to press *eloquentia* into the service of his own needs no less than those of the social and civic orders.

Were the changes to *eloquentia* for the better or the worse? Modern observers have often been allured by the familiar mystique of decline and fall, yet Tacitus never commits to an answer, even as he is committed to demonstrating the mental and cultural foundations which underlie the

possible responses. Tacitus explores and requires the reader to see how different assumptions lead to different answers. A desire to compare the past with the present is a mainstay of the *Dialogus* as it is for the Roman mind of any period. The insights produced along the way only show that the question of decline, along with the easy answers, must be cast aside in the end.

Appendix
Detailed outline of Tacitus' Dialogus de Oratoribus

1 Prologue

1.1 Tacitus notes Fabius Iustus' inquiry about the different achievements of moderns and ancients orators; terms other than "orator" are used nowadays
1.2 Tacitus will allow the conversation of others to answer this serious question
1.3 He will recount their opposed yet convincing speeches from memory
1.4 There was even someone present who made light of the speakers of old and who preferred modern eloquence to the talents of the ancients

2 Setting and Interlocutors: Maternus, Aper, Secundus

2.1 It is said that Maternus' *Cato* has offended the powerful; Tacitus was a protégé of Aper and Secundus
2.2 Tacitus praises Aper and Secundus and notes that Aper conceals his learning

3.1–5.2 Themes of the Debate

3.1 They enter Maternus' *cubiculum*
3.2 Secundus: will you change *Cato*?
3.3 Maternus: if *Cato* missed something, then *Thyestes* will say it
3.4 Aper: why waste your time with *Thyestes* and *Medea* or *Domitius* and *Cato* when your friends and clients the world over need help in court?
4.1 Maternus: you're always harassing poets and so I'm always defending poetry
4.2 Our judge here can free me up from duties at the bar to pursue more august eloquence

5.1 Secundus: I'm no impartial judge to decide your debate
5.2 The poet Saleius Bassus is my close comrade

5.3–10.8 Aper Speech I

5.3 Let Bassus have poetry since he can't handle cases
5.4 I'll accuse Maternus, the capable orator who could enjoy world-wide gratitude and renown
5.5 Think of the utility (*utilitas*) of eloquence and the power it brings
5.6 It offers a means of defending yourself and your friends
5.7 Think of the recent example of Eprius Marcellus warding off Helvidius Priscus
6.1 Think of the pleasure (*voluptas*) it provides, which is constant and not transient
6.2 Pleasure also results from the extensive and significant following you acquire
6.3 Even the old and wealthy call on you for assistance
6.4 You are marveled at in public
6.5 Speech-making is a kind of secret delight, a product of cautious daring
6.6 Extempore speaking is a true joy; the intellect seems fruitful of its own accord
7.1 My own experience is of acquiring offices and defending others in various venues
7.2 The rewards seem boundless and spring from my own faculties
7.3 Orators are famous among businessmen and promising, upstanding youths
7.4 They are models for all people
8.1 Consider Eprius Marcellus and Vibius Crispus, who are well known everywhere
8.2 Eloquence has made them rich and famous; history has so many examples of men whose talent has made them successful
8.3 It is true that Crispus and Marcellus lack, birth, money, and outstanding character; for this reason their power shows oratory's utility all the more; Vespasian respects them and knows that they bring to the table what is only theirs to give
8.4 One can disingenuously claim to disregard the trappings of success; these men have their rewards, and it's because of oratory
9.1 Poetry brings no useful rewards; its pleasure and renown are trivial and short-lived

9.2 What does a Jason or an Agamemnon get you? What does Saleius Bassus get?
9.3 He or his friends seek Secundus' or Maternus' aid when in trouble; poets are ignored
9.4 The recompense for their public recitations are short-lived and without benefit
9.5 Vespasian helped Bassus, but it's better not to depend on others
9.6 Besides, poets have to retreat into solitude
10.1 They don't acquire the same fame; the best are known by few, the mediocre by none
10.2 What foreigner seeks out Bassus? If he does, he leaves straightaway
10.3 I'm in favor of poets if they can't be orators
10.4 And I support all forms of artistic language (*eloquentia*)
10.5 Maternus, you neglect your true talent; example of Nicostratus
10.6 Offending on behalf of Cato is more dangerous than offending on behalf of a client
10.7 You think you find acclaim, but you choose not to have peace and quiet
10.8 Be content with our own disputes; offend the more powerful when it's right to do so

11.1–13.6 Maternus Speech I

11.1 I wanted to attack oratory at length, but Aper has artfully conceded poetry to poets
11.2 I've also made a name for myself attacking Vatinius; poetry is a better road to fame
11.3 I don't want statues and mobs of clients hounding me
11.4 Innocence is better than eloquence
12.1 The poet's seclusion in woods and groves is pleasurable
12.2 This repose has always been the source of eloquence; bloodthirsty oratory is recent
12.3 The golden age had bards not barristers
12.4 The poets were foremost among gods and kings: think of Orpheus, Linus, Apollo
12.5 Greek poets had as much fame as orators
12.6 So too in Rome: Asinius and Messalla versus Ovid and Varius
13.1 The orator's life is full of worry; I prefer the road less perilous
13.2 Vergil was venerated publicly in the theater just like Augustus

13.3 In our times Secundus Pomponius is no less famous than Domitius Afer
13.4 Are Crispus and Marcellus really good examples of success? Others resent their power; they aren't really free
13.5 I seek the Muses, not business and false fame
13.6 I'll meet my last day carefree, not hoping for honorable sanction from others

14–16.3 Interlude: Messalla arrives

14.1 Maternus finishes his speech; Messalla arrives
14.2 Secundus is happy that Messalla has joined the group; he praises the speeches of Aper and Maternus
14.3 Messalla: such discussions please and edify participants and audience alike
14.4 He commends Secundus' biography of Iulius Africanus and pokes fun at Aper, quipping that Aper follows today's rhetoricians more than yesterday's orators
15.1 Aper notes Messalla's antiquated tastes; he and Regulus are nevertheless successful
15.2 Messalla confirms his belief in the ancients' superiority; suggests that Aper agrees
15.3 The Greeks today are less capable, but their decline has taken much longer
16.1 Secundus: this is a great question, which Messalla has the skills to address
16.2 Messalla: I'll speak if you'll support me
16.3 Maternus: Secundus and I will supplement your undertaking; Aper's ready for battle

16.4–23.6 Aper Speech II

16.4 I won't let our age go undefended. What do you mean by ancients (*antiqui*)?
16.5 It makes me think of speakers in Homer; but you bring up the great Athenians
16.6 It's been 300 years since Demosthenes; that's not all that much
16.7 Consider the great, true year of 12,954 human years, found in Cicero's *Hortensius*
17.1 Among the Latin orators I don't see why Cicero's age is ancient

17.2 He died December 7, 43 BCE, the same year the deified Augustus first became consul
17.3 Count all the emperors reigns; Cicero died only 120 years ago
17.4 I saw an old man in Britain who could have seen and heard Caesar and Cicero
17.5 You have all seen men who saw Augustus
17.6 These men connect us to the past as if it were present
18.1 The truly "ancient" orators are the unpolished, like Servius Galba or Gaius Carbo
18.2 The forms and modes of eloquence change with the times
18.3 I don't seek to find the most skilled; oratory possesses many faces
18.4 Even Cicero had his detractors
18.5 Calvus, Brutus, and Cicero all criticized one another
18.6 I think they were all correct in the details, but my present charge is general
19.1 Cassius Severus is considered the oratorical turning point, but the changes he introduced were based on reasoned judgment
19.2 He understood that style changes with the times
19.3 Previous ages endured a lot of bad oratory
19.4 We are too sophisticated nowadays
19.5 Everything's old hat; we need innovation, especially in front of controlling judges
20.1 Who will accept outdated and long-winded tactics?
20.2 A judge won't let you ramble; your oratorical splendor must capture his attention
20.3 The people demand speech that is pleasurable and well-adorned
20.4 Today's youth avidly follow orators in order to learn and repeat refined speech
20.5 We orators need poetic adornment derived from modern authors
20.6 Our age is better off for its innovations; pleasing speech isn't less effective
20.7 Temples of marble and gold are not worse structures than those of cement and brick
21.1 Many ancients aren't worth reading, such as Calvus
21.2 The others here agree with me; Calvus lacked the requisite intellectual force
21.3 We read Caelius for the parts where he seems modern
21.4 We don't read Caelius for the outdated bits
21.5 Caesar could have been better if he spoke more; Brutus should have stuck to philosophy

21.6 The orations of Caesar and Brutus are not so impressive, nor is their poetry
21.7 Asinius followed older models too much
21.8 A speech must be full-bodied
21.9 I'll avoid attacking Messalla Corvinus, since it's not his fault that he's not modern
22.1 My argument is Cicero's: he too preferred the eloquence of his own day
22.2 He was the first to make numerous innovations; his style changed as he grew older
22.3 His early speeches have many old-fashioned faults
22.4 Practical aspects must be combined with beauty
22.5 Outdated, long-winded, infelicitous, or formulaic speaking must be avoided
23.1 There's much to criticize, such as Cicero's humor, but I won't
23.2 Some prefer that which is too old to better and newer models
23.3 No one pays attention to those imitating the outmoded
23.4 We don't admire someone who isn't sick, but who's healthy
23.5 You all should adorn the present age with your refined speech
23.6 You have remarkable mastery of the requisite virtues and future ages will praise you

24 Maternus Replies

24.1 What force and zeal Aper has; he criticized the ancients with ancient techniques
24.2 Your task, Messalla, lies before you; Aper was playing devil's advocate
24.3 Explain why we're different from the ancients; I especially want to know, since it's been only 120 years since Cicero's death

25–6 Messalla Speech I

25.1 I'll follow Maternus' request, even if I disagree with Aper's verbal quibbling
25.2 The olden days were better, whatever term you use; of course there are diverse styles of speaking in that age
25.3 The Greeks had a best age (Demosthenes'); we have a best age (Cicero's)
25.4 They differ in specifics, but all possess the same inborn healthy style
25.5 Of course they disagreed with one another

25.6 Just like men in every age, they too were prone to the human flaw of carping
25.7 I'll agree that the very old represent an early stage
26.1 But I'll take Gracchus and Crassus over Maecenas and Gallio
26.2 Modern orators are like actors with their excesses
26.3 They wrongly boast that their speeches can be sung and danced to
26.4 Cassius Severus is sloppy; he may be an orator, but only compared to his successors
26.5 Aper didn't bother to mention any comparable modern orators
26.6 I thought he might bring them out to set against the ancients
26.7 Maybe he didn't want to offend anyone he overlooked
26.8 I'll say who the moderns are so that we can see how eloquence has gone downhill

27 Interlude

27.1 Maternus: Stick to your task, Messalla, and provide for us the causes of decline not a judgment of its effects; perhaps Aper got to you by criticizing your ancestors
27.2 Messalla: No, I'm not offended by Aper; none of us should be offended, since this type of discussion requires spirited sincerity without loss of goodwill
27.3 Maternus: continue and use ancient freedom; we've lost that more than eloquence

28–32 Messalla Speech II

28.1 I'll clarify the problem; its causes aren't hidden from us
28.2 They are: lazy youths, careless parents, ignorant teachers, and disregard for the past
28.3 Although these vices are now everywhere, I'll focus on Roman vice and tradition
28.4 Previously young men were raised by a well-spoken mother, not a slave
28.5 There are many examples of mothers and sons and the advantage of this upbringing
28.6 This severity ensured that virtuous accomplishments were every child's aim
29.1 Now a Greek slave woman brings up youths who'll say anything

29.2 Parents don't instill virtues in their children
29.3 Wherever they are, children only hear talk of games, gladiators, and horses
29.4 Rhetoricians only want a following
30.1 Elementary learning is ignored
30.2 Rhetoricians are sought nowadays; they used to lack authority; previously men took great pains to become skilled orators
30.3 Cicero in *Brutus* recounts his expansive education
30.4 He studied every area diligently
30.5 This is necessary for a true orator who must argue about anything and everything
31.1 An orator should know right and wrong, not just imaginary debates
31.2 He must know what, when, and how fully to argue, as well as human nature
31.3 From this he will know how to direct the hearer's emotions
31.4 And their sympathies or dispositions
31.5 Dialectic can teach cogency; the Peripatetics can teach smooth, steady speech
31.6 And other schools teach other qualities
31.7 We're not producing a sage or a Stoic companion, but someone well-rounded
31.8 Philosophy and law are essential
32.1 Speech needs more than bare knowledge, even if we borrow that knowledge
32.2 Proper learning can easily be recognized in a good orator
32.3 Today's clever speakers are poorly trained and it shows
32.4 Their style lacks fullness and adornment
32.5 Consider that Demosthenes heard Plato
32.6 Cicero learned not from rhetoricians but from the Academy
32.7 There are other reasons for greatness, surely, but law and philosophy are essential

33.1–3 Interlude: Maternus requests more

33.1 Maternus: I think you've only just begun
33.2 Won't you talk about training?
33.3 Experience is more important than theory, and I think everyone here agrees

33.4–35.5 Messalla Speech II

33.4 I'll discuss practical experience and training
33.5 Theory and practice go hand in hand like conceiving and expressing ideas
33.6 At the very least one must admit that education prepares for practice
34.1 Our ancestors would search out great orators
34.2 They learned while following them closely in a range of contexts
34.3 In this real environment no foible went unpunished
34.4 They learned eloquence by seeing the real thing
34.5 This was the best exposure to rhetorical practice and a variety of speakers
34.6 From different venues of real conflict one learned the realities of speaking
34.7 There are examples of orators who began speaking while still young
35.1 Nowadays, they attend rhetorical schools, which didn't use to exist
35.2 I don't know if the place or the people are worse
35.3 This isn't real training or experience; the gloves never come off
35.4 The *suasoriae* and *controversiae* are worthless and remote from real life
35.5 Examples of meaningless topics of declamation

[Lacuna in the text]

36–41 Maternus Speech II

36.1 Great oratory requires fuel to fire it
36.2 Today's speakers have achieved all that is proper, given the present tranquility of state affairs, but past orators seemed to achieve more
36.3 There was constant speech and constant strife
36.4 It tore apart the Republic, but individuals became famous
36.5 They had clients even in the provinces and sought office and authority
36.6 They thought eloquence essential to all parts of life
36.7 You had to defend yourself constantly and at a moment's notice
36.8 What was a virtue was also a necessity
37.1 Through eloquence individuals maintained positions of prominence
37.2 Look at the books of Mucianus
37.3 They contain examples of generals and speakers; everyone had to have eloquence

37.4 Cases and clients were grand not trivial; this has an important effect on oratory
37.5 It's generally better to have less crime, but high stakes make good oratory
37.6 Demosthenes and Cicero obtained greatness through grand political speeches
37.7 Peace is better than war, but war makes great soldiers
37.8 Eloquence likewise must be constantly involved in conflict
38.1 Furthermore, the ancient courts weren't restricted by time
38.2 Pompey limited the time allotted to speak; now the centumviral courts are the main venue and they came to prominence under Augustus
39.1 It sounds odd, but these cloaks hem us in; most cases are argued in small spaces
39.2 The orator's field must be broad and allow for free reign
39.3 And furthermore judges interrupt us
39.4 A speaker needs a grand audience, as in a theater; this used to be the case
39.5 There are many examples of grand speeches
40.1 Even great figures were taken to task
40.2 Eloquence stems from license not freedom (as the dolts think)
40.3 There are no orators in well-ordered states
40.4 Strife begat eloquence, but it harmed the state and the people
41.1 Still, things aren't perfect; the forum's remnants are signs of criminality
41.2 The injured still call upon us
41.3 Were there no crime, there would be no orators
41.4 Orators are superfluous in the presence of a wise emperor and good advisors
41.5 We and the ancients are both products of circumstance; let each enjoy his age

42 Conclusion

42.1 Messalla: I'd have liked further discussion; Maternus: we'll meet again
42.2 Aper: there are pending claims to resolve; they laugh; all depart.

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General index

advocacy, legal, 21, 24, 38, 46, 128–31, 167–8, 189–98, 299
  cases with multiple advocates, 196
  see also courts; *delatores*
advocatus, *diaboli* (devil's advocate), 28, 65–6, 219
amicus/amicitia, 26, 135
  see also patronage
angustiae (straits), *see* metaphors
antiquarianism, *see* canon
Antonius, Marcus (orator), 18, 37, 45, 64, 65, 86, 96, 107, 216, 217, 218, 219
Apollo, 147, 149, 150, 160, 163
argument, 13, 46–7, 59–61, 67–8, 77–90, 153–4, 178, 198, 239, 294
  corrective exemplarity, 150–1, 152–3, 163, 182, 188
  flaws in all speeches, 42–4, 55, 67, 188
  in utramque partem disputare, 22, 61, 70
  intertextual, 178
  intratextual confirmation, 220, 221
  intratextual contradiction, 74, 90
  persuasiveness as poor criterion, 2, 14, 42–4, 52, 53, 76–7, 86–7, 88–90, 97, 154
  synecdochic fallacy, 44, 52, 55, 100, 111, 206, 214
  see also dialogue; dynamics, argumentative
Atticism, 256–9
  and anti-antiquarianism, 258
  see also Cicero, Marcus Tullius

Bablitz, L., 197, 299
Bakhtin, M., 68
Bartsch, S., 20, 93, 155, 301
Bassus, Saleius, 84, 135–6, 153, 209
Brink, C. O., 119
Brooks, P., 57, 213

canon, 50–1, 191, 242, 260–1, 273, 283
  and antiquarianism, 251
  constructed by authors' *forma* (χαράκτηρ), 254–5
  and epigonal mentality, 291
  formation, 50–1, 183, 215–38
  and *invidia* inhibiting change, 275
  late-republican pleiad, 199, 208, 281
  limitations of, 13, 260, 261, 279, 280–1, 284, 286, 292
  utility, 50–1, 255
  see also decline; periodization; time
Cassius Severus, 82, 111, 138, 168, 182, 270; *see also* periodization
Cato, Marcus Porcius (Censor), 34, 36, 118
Cato, Marcus Porcius (Uticensis)
  as subject of Maternus' tragedy, 18, 19, 138, 157
centumviral courts, *see* courts
Cicero, Marcus Tullius
  and Atticists, 271–3
  canonical figure, 35, 38, 39, 208
  criticized, 70
  and *de Oratore*, 8, 37, 38, 130, 215–38
  on declamation, 78
  and ideal orator, 25, 185
  influence, 7, 11–12, 38, 57–8, 59–65, 71, 72, 75, 85–6, 95–6, 202, 215–38
  oenological analogy in *Brutus*, 275
  on prose rhythm, 176
  Quintilian on, 12–13
  representative of Late Republic as a whole, 86, 185, 208, 298
  stylistic model for *Dialogus*, 39
  and theology of disbelief, 59–65
classicism, 242
  Augustan, 161
  see also periodization
cliens/clientela, *see* patronage
clothing
  restricting practice of oratory, 193
  sign of decadence, 252
contio, 73, 203, 204
courts, 179

centumviral, 82, 137, 170, 190–7
criminal, 170, 189, 194, 199
senate as a court in empire, 190, 194, 197
Crassus, Lucius Licinius, 18, 37, 70, 74, 86, 96, 107, 191, 192, 216, 217, 235, 246, 265; *see also rhetores*
criticism, biographical, 214
Crook, J. A., 169, 196, 299
cubiculum, 20, 21, 143

dates
of composition or publication, 32–3
of setting, 31–2
shifting between dramatic and publication dates, 33
declamation, 22, 42–7, 78–83
topics of anticipated in Curio's speech, 284
decline, 47–9, 54–5, 57–8, 72, 108–14, 238, 247, 296, 302
assumed thesis of *Dialogus*, 54, 121
explanations in Longinus, 297
inevitable result of closed teleology, 277
interpretive problems in assuming, 54–6, 100
paucity of orators as rhetorical motif, 86, 208–12, 244–5
of renown and not of *eloquentia*, 15, 99–101, 102, 106, 114, 120, 297
not subject of *Dialogus*, 13, 50
see also periodization; time
delatores, 38–9, 65, 127, 149, 152–3, 157, 162, 174, 299; *see also* Vibius Crispus; Eprius Marcellus; Regulus
dialogue
apparent lack of coherent unity, 56, 67, 100, 121, 165, 179, 294
authorial distancing, 60–1, 105
interstitial passages, 15
intertextual dialogue, 212–15, 239, 240
lack of *elenchus* in Roman, 69
opinion versus function of statements, 6, 8, 13, 76–7, 86–7, 88–90, 181, 235
style of argument, 49, 87, 114, 124, 126, 140, 151, 153–4, 163–4, 180, 198, 273
theory of, 14, 94, 97, 215
tradition of, 17, 33, 39–41, 68, 71, 75, 95, 144, 237, 240
see also argument; dynamics, argumentative
dissimulatio (dissembling), 10, 25, 48, 85, 218
failed attempts at, 272
Domitian, 29, 30, 32, 33, 156, 176
Domitius (play by Maternus), 157–8
Domitius Afer, Gnaeus, 144, 158, 270
doublespeak, 20, 92, 93, 97, 155, 301
dynamics, argumentative, 28–9, 70, 77, 88, 90–7, 99, 111, 140, 179, 211, 221, 243, 294; *see also* argument; dialogue

education, 30, 83–6, 183–6, 216–23; *see also* oratorical training
effeminacy, 48, 118–19, 182, 252; *see also* clothing; Maecenas
eloquentia, 12, 13, 15, 24, 34, 38, 40, 117, 140, 162, 166–7, 215–38, 296
corrupta (decadent speech), 251
genus/species distinction, 249
as a transgeneric *ars*, 146–8, 163–4, 230, 284, 299–300
Eprius Marcellus, 26, 32, 82, 127, 134–5, 148, 150, 152, 162
Eshleman, K., 265
exempla, *see* argument, corrective exemplarity
exercitatio, *see* oratorical training

Fabius Iustus, Lucius, 17, 32
fabulae, 24
fama, *see* renown
Fantham, E., 109
Fish, S., 96
fora, and *basilicae* as venues for oratory, 190
Frank, T., 158
Freudenburg, K., 299

Gallia, A., 157
Gallio, Lucius Iunius, 181, 182, 252
genus, *see eloquentia*
gloria, *see* renown
Goldberg, S., 68, 151, 169, 211
Güngerich, R., 104

Hanink, J., 291
Hardie, P., 214
Hinds, S., 212, 214, 229–30
humor, 19, 21, 70, 81, 274

imitatio, 256, 283
and diversity of models, 254
ingenium, 19, 81, 85, 106, 166–7, 252, 292, 293, 297
interstitial passages
defined, 15
intertextuality, 9, 15, 226, 231, 238–40
agnoscere as marker of, 222
and argument, 178
and Cicero's Academic works, 62–5
and interlocutors' intertextual sparring, 239
ironic, 210, 211
and literary dialogue, 212–15, 239
and literary system, 231–2

intertextuality (*cont.*)
and Marcus Aper, 216–23, 238
paucitas oratorum as intertextual motif, 208–12
promoting adornment, 175–8
and window reference, 235
intratextuality, *see* argument
irony
and Maternus, 33, 92, 301
intertextual, 210, 211

Kermode, F., 57
Klingner, F., 119

laus, *see* renown
Leo, F., 39
Levene, D., 68, 157
liberalitas, 152–3
libertas, 23, 117–19, 137–9, 161–2, 172, 300–2
licentia, 117, 119, 300, 301–2
Linus, 55, 147, 149, 150, 163
Luce, T. J., 56, 67, 86, 120

Maecenas, Gaius, 112, 181–2, 183, 251, 252, 260
Manuwald, G., 158
Mayer, R., 173
Messalla Corvinus, Marcus Valerius, 28, 163, 174, 180, 182, 184, 191, 199, 265, 267, 269, 270
metaphors, 98, 105, 122, 129
agricultural, 142, 245
angustiae (straits), 25, 164, 168
aquatic, 219
architectural, 175
battle, 13, 109, 130–1, 139, 185–6, 274, 293, 302
biological, 132, 180, 243, 297
cosmetic, 252
digestion, 249
exchange, 223
metallurgical, 177–8
physiological, 257–8, 273, 274
racing, 168, 169
religious, 146, 164, 176–7
spatial, 25, 167
temporal, 167

offense, 23
avoiding, 23, 48, 138–9, 161–2
giving, 18, 19–20, 23, 138
Maternus and tragedies, 18, 19–20, 23, 155, 162
see also Cato, Marcus Porcius (Uticensis); *Domitius* (play by Maternus); *libertas*; *Thyestes*
orator, 19, 40, 103, 183, 185, 210, 221, 224, 273; *see also* Cicero, Marcus Tullius

oratorical training, 38, 48, 57, 72–4, 77–90, 115, 129, 184
contrasted with real speaking, 82
see also declamation; education
Orpheus, 55, 149, 150, 163
Orwell, G., 35
Ovid
allusion to language of, 177
author of *Medea*, 24, 159
exile, 150
as model for Maternus, 150, 163

patronage, 21, 24, 135–7, 144, 150, 159, 198–9
paucitas oratorum (paucity of orators), *see* decline, intertextuality
periodization, 175, 180–3, 188, 211, 246–8, 260–1, 262–4
Cassius Severus as watershed at Rome, 166, 270, 271
and dangers of presentism, 285
Demetrius of Phalerum as watershed in Greece, 271–2
finer granularity in Quintilian, 246
Golden Age, 47
100 versus 120 years since death of Cicero, 266–7
problems in, 34, 180–3, 191, 199, 236, 237, 238, 244, 247, 277
saeculum/saecula as marker of ages, 34, 208, 236, 244, 295
via "acoustic community," 265
see also canon; decline; time
Petronius, Gaius, 47–8
philosophy, 12, 63–5, 172–4, 185, 223–6, 285
Plato, 27, 33, 39, 40, 63, 69, 75, 96, 114, 154, 212, 223, 231, 233, 236, 263
pleasure, 114–16, 131–2, 142–4, 253–4
Plinius Secundus, Gaius (Pliny), 31, 32, 38, 42–7, 75, 192–3, 196, 197
Pliny the Elder
Studiosus (lost treatise), 246
poetry, 140, 147–8, 159–64, 174–8, 282
Pollio, Asinius, 163, 180, 182, 184, 191, 196, 199, 265, 267, 269
Pompeius Magnus, Gaius (Pompey)
as orator, 202
restrictions of *lex de vi et ambitu* of 52 BCE, 194, 199
Priscus, Helvidius, 82, 202
Priscus, Marius, 31, 32, 190, 196, 197
prosecutors and informants, *see delatores*

Quint, D., 57
Quintilianus, Marcus Fabius (Quintilian), 12–13, 170–1

and *de Causis Corruptae Eloquentiae*, 246
on declamation, 79
and definition of oratory, 13
on lying, 40
morality and public speech, 36
and precedents to *Dialogus*, 244, 248, 260
on rereading, 90
and separation of words from content, 34

Regulus, Marcus Aquillius, 110, 202
relativism, 285–6, 293
renown, 99, 106, 109, 112, 118, 180–1, 242; *see also* decline
rhetores, 70, 77–8, 80, 184, 186
and censorial edict against *rhetores Latini*, 81
rhetoric
in *Annales*, 34–5
of *Dialogus* to interpret Tacitus' other works, 51, 300
differing conceptions of, 233, 234
fines ('ends' or 'aims') in deliberative, 8, 9, 128
modern pejorative sense, 198
moral aspects, 36–8, 40, 153–4, 301–2
traditional departments canvassed in preface, 19

saeculum/saecula, *see* periodization
Secundus, Iulius, 18, 19, 21, 64, 106, 246, 300
securitas/securus, 23, 84
senate, as a court in empire, *see* courts
Seneca the Elder, 36, 42, 82, 150, 227, 302
Seneca the Younger, 35, 251, 252, 253
conspicuous absence in *Dialogus*, 18, 159, 253
dangers in imitating, 253
on rules for speech, 277
on speech and morality, 36
sententiae, 49, 169, 201, 227, 296
overreliance on, 252
utility of, 251

Skinner, M., 294
sorites, philosophical problem, 262
species, *see eloquentia*
speeches, summary of, 25–31
statio, related to dramatic date, 31
Syme, R., 55, 72, 151
synecdochic fallacy
defined, 44
see also argument

Thyestes
play by Maternus, 18, 20, 24, 156, 159
play by Varius, 24, 150, 159
time, 183, 211, 236, 237, 275
connected to power of *consul* or *princeps*, 262–4
evolution, 13, 181, 183, 225, 232, 242, 273
synchronic patterning, 265
see also canon; decline; periodization
tirocinium fori (orator's apprenticeship), 28, 72–3, 74–5, 183–4
Trajan, 30

Varius, *see Thyestes*
Vatinius, *scurra* of Nero, 55, 148, 157–8, 162
Vergil, 149, 150, 159, 160, 213, 230, 253, 264
allusion to, 147, 162, 175, 215, 228, 229, 230, 284
rhetoric of Aeneas in the underworld, 3–7
Vespasian, 29, 31, 32, 33, 55, 135, 153
Vibius Crispus, 26, 127, 134–5, 148, 150, 152, 162
voluptas, *see* pleasure

Whitton, C., 139
Winterbottom, M., 155
world, of dialogue and external world, 2, 12, 13, 19–23, 24, 84, 110, 116, 186

Zerubavel, E., 275
Zetzel, J., 69

Index locorum

Astyd. *FGE* 33–4: 291

Catullus
66.39: 5
Cicero
Arch.
14: 8
Brut.
37–8: 271
45: 206
124: 284
278: 257
289: 258
293: 257
de Orat.
1.32: 130
1.47: 235
2.1: 217–29
2.11: 58
2.75: 228
2.153: 226
2.194: 45
2.333–40: 7
2.334: 8
2.335: 8
2.362: 222
3.93: 79
3.94: 80
3.95: 80
3.126: 222
3.141: 9
3.148: 228
3.173–81: 10
3.180: 176
Div.
2.150: 60–1
Dom.
121: 10
Fin.
3.7: 63
N.D.
1.7: 11
1.10: 59
1.15: 63
3.95: 60, 62
Part.
83: 9
89: 7
Tusc.
5.47: 36
CIL 6.1574: 30

Horace
Ep.
2.1.10–12: 275
2.1.18–19: 264
2.1.18–22: 276
2.1.34–49: 261–2
2.1.50–62: 254–5
2.1.63–75: 280
2.1.90–2: 278
S.
1.4.1–7: 268
1.10.1–4: 287
1.10.5–14: 287–8
1.10.50–61: 288–9
1.10.64–71: 289–90

Livy
30.30.27: 5

OGI 487: 30
ORF
58: 118–19
Ovid
Pont.
3.4.103–4: 178

Petronius
Satyrica 1–5: 48

Pliny
Ep.
1.1: 19
1.3.3: 21
2.11.1: 297
3.13.2: 228
6.15: 17
6.16: 17
6.23.5: 192–3

Quintilian
Decl. 13.15: 10
Inst.
2.10.9: 186
2.17.41: 11
3.1.21: 276
3.8.1: 8
3.8.42: 12
4.1: 170
8.pr.6: 11
10.1.20–1: 90
10.1.29–30: 177
10.1.81: 271
10.1.122: 244–5
10.2.4: 278
10.2.8: 245
10.2.11: 259
10.2.17: 254
12.9.21: 131
12.10.15: 256
12.10.45: 253
12.10.69: 260
12.11.22: 278
12.11.29: 11

Rhet. Her.
1.26–7: 9
3.2–9: 7
3.3: 9

Sallust
Jug. 108.3: 5
Seneca the Elder
Con. 3.*pr.*16: 274
Seneca the Younger
Ep. 114.1: 36

Tacitus
Ag. 4.5: 185
Ann.
13.3.2: 34
14.11: 35
Dial.
1.1: 54, 101–4, 208, 244
1.2: 22, 104, 166–7
1.3: 61
2.1–2: 106–7, 217
2.1: 18, 23, 45, 73, 138
2.2: 25, 85
3.1: 63
3.2: 19
3.3: 45
4.1: 21, 67
4.2: 146
5.3: 84
5.3–10.8: 26–7, 125f.
5.5: 1, 128
5.5–6: 129
5.7: 128
6.2: 131–2
6.6: 137, 297
7.1: 129
7.1–2: 132–3
8.3: 134–5
9.2: 43, 129
9.3: 143
9.5: 135–53
9.6: 143
10.4: 146, 177
10.6: 138
10.8: 43, 138
11.1: 139
11.1–2: 108
11.1–13.6: 27, 139f.
11.2: 120, 143, 157
12.1–3: 141
12.2: 146, 147
12.3: 47
12.4: 149, 160
12.5–6: 269
12.6: 163
12.6–13.2: 158–9
13.3: 144, 270
13.4: 148
13.6: 144–5
14.1: 21, 67
14.3: 81, 84, 114–15
15.1: 110
16.1: 85
16.3: 109
16.4: 139
16.4–23.6: 27–8, 165f.
16.6: 262
17.2–3: 263
17.5–6: 265
17.6: 173
18.3: 232
19.1–2: 166, 270
19.2: 281

Tacitus (*cont.*)
19.3–19.5: 224–5
19.5: 167
20.2: 169, 199–200, 281
20.5: 227, 282–3
20.7: 175–6
21.1: 257–8
21.2: 174
21.3–4: 250, 281
21.4: 181
21.7: 282
21.9: 174
22.4: 175
23.1: 251
23.2: 283
23.3: 258–9
23.6: 76, 111, 171
24.1: 71, 222
24.1–2: 220
24.1–24.2: 226
24.3: 112
25.1–2: 112
25.1: 266
25.3: 279
25.4: 180, 247
25.7: 180
25–6: 28
26.2: 180–1, 252
26.4–6: 273
26.9: 113
27.1: 113
27.3: 117, 247
28–35: 28–9
28.1: 88
30.3: 243
30.4: 11
30.5: 11, 84–5, 184
31.2: 10
31.7: 219
33.5: 115–16
34.1–2: 73
34.5: 259
35: 77–8
35.1: 79
35.2: 80
35.3: 83
36–41: 29, 186f.
36.2: 198
36.4: 120
36.6: 202
37.4–5: 189
38.1: 194
38.2: 190–1
39.1: 193
40.2: 117, 205
40.4: 37
41.5: 118, 290, 295
42.1: 65
42.1–2: 62
Hist. 1.1: 30

Vergil
A.
2.141–4: 4
2.548–9: 247
4.24: 4
4.700–5: 6
6.322–4: 5
6.392–7: 4
6.455: 3
6.456–60: 3
6.458–60: 5
6.473: 4
G. 3.4: 228